TECHE
UDINE

MANOSCRITTI

FONDO PRINCIPALE

Manoscritto n. **P_MSS_1038**

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Caimo
e
Deciani

.038

*

Super Constitutionibus
Patriæ Fori Iulij

*

...ino
...iani
38

CIVICA
DI

Consultato da me sottoscritto, il 12/11/53, per ragioni di studio.

Giorno 17/11/53

Giovanni Deciani,
abitante a Martignacco

10

(p. 69). « Sopra l'istesso Soggetto » :
Sior Colonnel plui vil d'un Cimisat. Sonetto caud.
(p. 70). « Al Signor Bortolusso Bortolussi... » :
Ma cui, cu m'aves dit Sior Bortolùs. Sonetto.
(p. 71). « Alla Camerata dei Burlati del Signor Dottor *Aborta* » :
E cui di vo' fò a chell festin che fat. (c. s.).
(p. 72). « Ad una Dama... » :
Pizzigotaisi pur come Dindianz. (c. s.).
(p. 73). « Alla sepoltura d'un Avaro » :
Cheste è la tombe di chel Avaron. (c. s.).
(p. 74). « Al... Conte Francesco di Sbrojavacca... » :
Al mi ven dit, che tu ses confessat. (c. s.).
(p. 75). « Risposta del... conte *Francesco di Sbrojavacca* » :
Al no l'è ver, che io mi soi confessat. (c. s.).
(p. 76). « Proposta del... Co. *Antonio d'Orzon* » :
Là, che nell'Istro il Dravo si confond. (c. s.).
(p. 77). « Risposta all'oltrescritto » :
Toni, se là, che l'Istro in jet profond. (c. s.).
(p. 78). « Del... Dottor *Vittorio Siccante...* » :
Vo' aves credut, mandanmi une Rosade. (c. s.).
(p. 79). « Risposta... » :
È ver, ch'io hai credut, che une Rosade. (c. s.).
(p. 80). « In lode... Marina Consorte... Luogotenente Gabriel Marcello » :
Vo', che peregrinand Mars, e Pais. (c. s.).
(p. 81). « Sopra un Sorcio... » :
Cè biell umor chel d'une Surisute. (c. s.).
(p. 82). « Per un Bacil d'uva... » :
Al Gran Monarchie Ibero, e Re di Spagne. (c. s.).
(p. 83). « Donna brutta... Al... Conte Francesco di Sbrojavacca » :
Mi dà tant gust Francesch, e tant dilet. (c. s.).
(p. 84). « Macore Cavaliere... » :
Cumò lu Mond è biel pe stravaganze. Sonetto caud.
(p. 85). « Risposta all'oltrescritto Sonetto » :
Il Cavalir senz'Abaco è Macor. (c. s.).
(p. 86). « Accidente curioso tra Marito e Moglie » :
Trat de' colere un dì, ma cun reson. Sonetto.

Adnotationes, et Dubia
super
Patriæ Forijulij Constitutionibus.
— Cum —
Obseruantia styli, et Iudiciorum
super eisdem.
— Nec non —
Cum Legibus concordantibus, et discrepantibus.
— Atq; etiam —
Cum DD. Auctoritatibus ad Rem
facientibus.

~ Philippi Caimi I.V.D. Vtinensis. ~

Observantia
Styli, et Tractatorum
super
Patria Foriiulii [illegible]

[illegible] [illegible] colligere fructus equestres et eam quo non colligunt, in [illegible]: [illegible] equestrianis [illegible] fructus [illegible]: [illegible] non [illegible]; [illegible] sententia manu [illegible] inter [illegible] Comunitatem a [illegible] et [illegible] die 22 [illegible] et alias [illegible] manu [illegible] inter [illegible] et [illegible] [illegible] [illegible] [illegible] et ita iudicatum fuit alias per [illegible] de anno 1514. 14. Januarii manu Dni Sebastiani [illegible] inter [illegible] et Illos de [illegible].

[illegible] declaratio [illegible] manu [illegible] 1535. [illegible] 149.

[illegible] in causis [illegible] et [illegible] debendo, [illegible] non debendi ea [illegible] non [illegible] cedit.

[illegible] in [illegible] iudicatum fuit anno 1510. [illegible] manu [illegible] Sebastiani [illegible] inter [illegible]

Proceditur et in causis [illegible]

[illegible]

[illegible] manu [illegible] Joannis de [illegible] anno 1518. 22. 8.bris

Proceditur in istis reis, quando agitur de [illegible] virtute Constitutionis [illegible] de [illegible], et Vicinis, ut extat [illegible] manu Domini Sebastiani [illegible] [illegible] [illegible], et [illegible] [illegible] allegantur: de anno 1522. 24 Julij

[illegible] procedit [illegible] [illegible] [illegible] [illegible] Marchionis anno 1532. 14. Octobris. Est alia [illegible] anno 1544. 4. Julij ad Dominum [illegible]

Causis testamentaria proceditur in istis reis [illegible] [illegible] Dominum [illegible] de Cordoua anno 1533.

[illegible] anno 1518. 28. Junij inter [illegible] [illegible] de [illegible] Marine et [illegible] de Madriolo

[illegible] examinantur [illegible] 1522. [illegible] Julij

Nota [illegible] de [illegible] [illegible] examinari [illegible] reis, et est declaratio manu Domini Antonij Barbari in causa [illegible] Bartholomei a [illegible] de [illegible] anno 1523. 25. Maij

[illegible]

[illegible]

Nota, quod [illegible] potest esse [illegible] contra Christianum, nec ei [illegible] [illegible] [illegible] [illegible]

Nota [illegible] [illegible] Riva in [illegible] [illegible] n.o 9. 2: de [illegible]

Item quod si [illegible] nullus ab [illegible] mar[illegible] [illegible],
[illegible] excellenter [illegible] et m[illegible] [illegible]
ut [illegible] tradit Tiraquus. caud. 24. n. 2. ubi multa
congerit ad [illegible] [illegible], et quibus facit [illegible].
Ross. in cons. 35. n. 35. et 40. vol. 2.

At aucentus calor ebrietatis excuset a pena blasphemiae?
quod sic Vide Alb. et alios in cap. [illegible] de malef. [illegible] [illegible]
§. quis [illegible] re milit. facit [illegible] [illegible] [illegible]
et cap. [illegible] 13. quest. 2.

[illegible] qui dicatur [illegible] vide Thom. [illegible] in [illegible] 80 [illegible].
[illegible] Marius [illegible] in [illegible] [illegible] §. [illegible] [illegible].
[illegible] non admittit [illegible] contra [illegible] in [illegible].
[illegible] 4a col. [illegible] [illegible] [illegible] [illegible]
[illegible]

Rubr. 2da

[illegible]

Nota [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
quod in corpore, alii, quod [illegible] assumpta e in anima, [illegible]
[illegible] remanserit in terra [illegible] [illegible] [illegible] sublime
quam aliquid [illegible] [illegible] [illegible] : [illegible] [illegible] intendendum e
eam totaliter fuisse assumptam.

Nota [illegible] assumptionis [illegible] [illegible] [illegible], [illegible] [illegible]
[illegible] charitas ascendit

Nota quod [illegible] assumptionis [illegible] [illegible] [illegible] [illegible]
[illegible] ad habet aliud festum de illa [illegible] [illegible]
[illegible] [illegible] omnibus aliis [illegible] [illegible] illa : similiter etiam
[illegible] [illegible] transitum [illegible] [illegible]
[illegible] illo, [illegible] de miseria transiit ad gloriam, [illegible]

[illegible]

[illegible]

[illegible] Nativitate [illegible] Virginis [illegible]

Nativitas igitur illius celebranda, quia in Mundo nata est et fuit in utero sanctificata iuxta illud: Sanctificavit tabernaculum suum Altissimus.

Ista [illegible] festum [illegible] celebrabatur [illegible] [illegible] in hac [illegible] solemnizanter in [illegible] cui Caula [illegible] Angelos gaudere quoniam [illegible] nata fuit in illa nocte, quod [illegible] autenticavit et festum [illegible] Ecclesia, ut in solemnizando [illegible] [illegible] sine [illegible] institutionis [illegible] octavam Innocentius Papa 4. ea instituit.

Dixi quod Ecclesia tres Nativitates solemnizat: scilicet Beatae Virginis, et Christi, eiusdem Beati Baptistae [illegible] solemnizat, ita [illegible] [illegible] Nativitati [illegible] [illegible] [illegible] Nativitate [illegible] [illegible] nativitate [illegible] [illegible] in [illegible] in gloria. Cum igitur oporteat, quod [illegible] Nativitate Baptismi in adultis et Nativitate [illegible] similiter, ideo merito illae duae Nativitates Vigilias habent. Sed cum poenitentia tota sit pro [illegible], non oportuit, quod [illegible] Vigiliam et ideo festum Nativitatis Beatae Virginis Vigiliam [illegible] non habet.

[illegible] [illegible] [illegible] tamen illud a Papa [illegible] [illegible] Romanae [illegible] [illegible]

[illegible] [illegible] tempore veris; quia [illegible] [illegible] homo, et omnia [illegible] [illegible]

Malè mihi uidetur [illegible] carnis priuij sub hac Rub.ca apposita illo n. die noui et dubbio antecedentibus [illegible] Venen. et Bacerò etiam [illegible] intelligentes homines etc.

[illegible]

[illegible]

[illegible] mitatione [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible]
[illegible] Misericordie Venen. [illegible] habend. [illegible] 86 [illegible]
[illegible] et de [illegible] can. [illegible] summa [illegible]
[illegible] [illegible] [illegible] etiam [illegible]
[illegible] estimat. [illegible] maxime [illegible]
[illegible] Vincentius de Rosa in [illegible]
[illegible] [illegible] eod. tit.

[illegible] in [illegible]
[illegible] de [illegible] de [illegible]
[illegible]
[illegible] et [illegible] de anno 1517 [illegible]
[illegible]

Item in eod. de ex [illegible] non est [illegible]
[illegible] extat [illegible]
[illegible]

Rub.^a 5.ta

De hora, in qua [illegible] debet in [illegible] Curiam Auditorum, et quando Litigantes debent se presentare

[illegible] in [illegible] Interlocutorijs.

[illegible]

Item, quod maior est Contumacia actoris, quam Rei. [illegible] in cap. [illegible] in fine [illegible] de [illegible] interlocutoriis [illegible] et actori [illegible] in [illegible] intervallum [illegible] in eod. [illegible] in 6.º [illegible] statim, [illegible] est [illegible] cum, [illegible] instantiam [illegible] dari, quod non [illegible] ad [illegible] Vide [illegible] in [illegible] in prin. de Verbor. signif. n.^o [illegible] *

*[illegible] si quis [illegible] tamen [illegible] Venetijs [?]

Rub.^a 6.ta

[illegible] ordinarij non debent [illegible]

Vide, quod [illegible] in l. 1.^a in [illegible]

[illegible]

[illegible]

[illegible]

De personis assignatis et [illegible] in allexandrinis [illegible]

[illegible]

De dilationibus [illegible]

[illegible]

Vide lex cum glos. fin. in [illegible] ex quibus causis maior [illegible] ubi dicit quod [illegible] [illegible] [illegible] in longo tempore e absentamus non [illegible] [illegible] advocatum.

[illegible]

De iis favoribus miserabilium [illegible] nis, et aliis pauperis [illegible]

Rub.ca Prima

De Officio et Notariorum Iuramento.

Rub.ca II.ma

De Actionis Causarum et [illegible]

[illegible]ibant admittendis.

Rub.ca III.ma

[illegible] ...ino ... [illegible] Notarii non [illegible]

[illegible]endum simul et semel [illegible]

Rub.^ca 13.

De Actis Cautelis continuatim scr. Notarios [illegible]

Adde hic quod si in Libro Notarii iam defuncti reperiatur subscriptum dicat. Instrumentum venditionis inter tales et postea [illegible] dimiserit, nihil probat, quia non est imperfecta: Not. Bart. in L. [illegible] de testam. num. [illegible]

Rub.^ca 14.

De [illegible] [illegible] etiam extra [illegible] ostendendis et [illegible] non dandis pro Copia

Contrarium huic Constitutioni [illegible] quia immo de iure conceditur [illegible] [illegible]

De Instrumentis quorum Copia est decreta, in Iudicio [illegible]
[illegible]

Rub.ca 16.ta

De Notariis compellendis dare copias Actorum.

Rub.ca 17.ma

De Notariis [illegible] debentibus [illegible]
Patrocinia earum admittendis

[illegible] Rub.ca [illegible]
Comm. [illegible] L. 3. ff. de [illegible]
[illegible] in his Statutis [illegible] commune [illegible] secundum [illegible]
[illegible] Bart. in l. [illegible]
[illegible] Alex. [illegible] in l.
[illegible] de successione [illegible].

Rub.ca 18.va

Quid occasione Notariorum non possint [illegible]
Cittadani etc.

Rub.^{ca} 19na

[illegible] Quaternis cor

Rub.^{ca} 20ma

[illegible] sententiam [illegible]

Rub.^{ca} 21ma

De Verbis iniuriosis in Iudicio dictis

• Ista, quod istud etiam est de iure communi [illegible] vide Decke. Criminal. carr. 8. col. 3.

[illegible]

Rub.ca 26.ta

[illegible] etiam sine testibus [illegible] faciant

[illegible] notarium in [illegible] non requirunt [illegible] testium [illegible] Barto. in L. ad solutionem. C. de [illegible] ubi allegat L. in [illegible]

[illegible] in iudiciaria non probant [illegible] cap. quoniam contra, et ibi Lanfrancus in [illegible] Bart. in l. fin. Cod. de [illegible]

Rub.ca 24.ta

De Citationibus, et qualiter con. Contumaces procedatur

* Nota, quod [illegible] nullus officialis [illegible] particularis [illegible]

[illegible] Decani, [illegible], et officiales [illegible] mandata [illegible], contradictiones, prout apparet ex alia fide eiusdem [illegible] 1566. 5. Xbris

Quando [illegible] et expeditus [illegible] cum [illegible] citationibus [illegible] et [illegible] omnia acta sunt in contumacia partis, [illegible] ad superiores. [illegible] eiusdem [illegible] 1577. 13 8bris

[illegible] non respondet rationi, quia verbum nescio, non tenet [illegible] respondere, quemmodo contineat factum alienum, extat [illegible] apud [illegible] Zanzano manu [illegible] anno 1533 24. Mar.

[illegible] equitat extra Civitatem pro [illegible] [illegible] de sua [illegible] communis [illegible] ducenti, et [illegible] extat declaratio manu eiusdem [illegible] anno 1533. 27. Mart.

Nota, quod cum plures [illegible] in [illegible] 7. [illegible] [illegible] et ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] debebant citari coram eorum [illegible] ex antiquissimo [illegible] stylo in multis casibus [illegible] citari coram [illegible] [illegible] ut [illegible] ex quodam privilegio concesso Contrate Carnee sic sequente:

Cum ex antiquo stylo semper [illegible] citari coram [illegible] concedimus [illegible] Contrate Carnee quod [illegible] ad Tribunal [illegible]

[illegible] in [illegible] est in electione Actoris citare coram [illegible] [illegible] sunt [illegible]

[illegible] in [illegible] de [illegible] in [illegible]

Secundus: quando [illegible] de [illegible] ut extat [illegible] manu [illegible] Ruberti de [illegible] anno 1517. [illegible] inter [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible]

Feminis

[illegible] de [illegible] extra [illegible] de anno 1518. 25 Januarii: manu
[illegible] Bernardini [illegible] inter [illegible] et [illegible]
[illegible]
[illegible] manu [illegible] Bartholomei [illegible]
[illegible] inter [illegible] et [illegible]
[illegible]
[illegible] extra [illegible] manu [illegible] 1518.
28 Julii. inter [illegible] et [illegible]
[illegible]
[illegible] manu
[illegible] 1519. 27 Julii inter [illegible] Hieronimum
de [illegible], et [illegible]
[illegible] in [illegible] feudalibus, et de feudis [illegible]
[illegible] anno 1558. [illegible]
[illegible] in causis [illegible], [illegible]: nec [illegible] in causis
[illegible] in electione [illegible]
[illegible] et
[illegible] anno 1550 [illegible] quod [illegible]
[illegible] in causis [illegible]
[illegible] et [illegible]
[illegible]
[illegible] in [illegible] in [illegible]
[illegible] in [illegible] nihil in [illegible]
quotidianam ponit.
[illegible] de damni [illegible]
in [illegible] in [illegible] civitatem [illegible]
[illegible] et [illegible] valeat [illegible]
[illegible] in [illegible]. Et [illegible]
[illegible] qui [illegible] ad [illegible]
[illegible] inquirant [illegible]
[illegible] et [illegible] ad [illegible]
[illegible] ad [illegible]
[illegible] et pro aliqua [illegible] immobili
[illegible] cedula [illegible]

[illegible] notab[illegible] [illegible] [illegible] in [illegible] Palliera[illegible]

Rub.ª 25.ᵗᵃ

Quando citationes, et relationes [illegible] in scriptis.

Contra [illegible] in communi secundum Bart. in l. [illegible] Venciario [illegible] [illegible] ut [illegible] Doct. [illegible] Paul. de Castro in Cons. 25. [illegible] in fine.

Rub.ª 26.ᵗᵃ

[illegible] Modo citandi Communitates

[illegible] exequi [illegible] contra aliquod [illegible] in Curia, [illegible] ita simul citare, solent citari, et similiter [illegible] Potestates seu [illegible] illarum, [illegible] tamen [illegible] [illegible]; de hoc est fides Plegijs. [illegible] anno 1550. 6 maii. [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] Bellom. 1533. [illegible] Aprilis, pro Dominicis [illegible]

Rub.ª 27.ᵐᵃ

De Causis [illegible] Forenses

[illegible] de Iudicio [illegible]

saise. cxant: et in hoc, ut alienis ab hoc onere dēt possidere immobilia in loco sud. in eo convenit, non aut in alio territorio extra locum jud. dicti. [illegible] notab. in l. fin. C. com. agen. [illegible] et [illegible] numº 2º.

Adde ad hoc propium Rub. 90. in isto Constitutionis ubi declarat: [illegible] extra [illegible] [illegible] habet [illegible] Dominio [illegible] Aquileiensis [illegible].

[illegible] Cons. 407. vol. [illegible].

[illegible] extra [illegible] in [illegible] pro qualibet [illegible] non aut [illegible] extra [illegible]

De anno 1558. 17. Maij.

Adde [illegible] quem [illegible] in [illegible] n. 5. [illegible] in [illegible] n. 1. ibi notab. ex [illegible] C. de [illegible]

Adde Bart. in [illegible] [illegible] ubi dicit [illegible] faciunt aliquem [illegible] non [illegible] immobilia [illegible] mali mores quos habet, et quod [illegible]

Rub. [illegible]

[illegible] concedendis [illegible]

Adde quod [illegible] vel [illegible] pro bona Minoris et [illegible] obligari pro [illegible] de iudicio [illegible] [illegible] Rub. [illegible] et l. fin. C. de Administr. Tutor.

Rub.ca 29.

De Termino ad exponendum cons. Manda concedendo, vel non.

[illegible] quomodo [illegible] Vide notata ad Rub. 77.

Rubrica 30

De [illegible] personas [illegible] legitimas in [illegible]

[illegible]

Procurator [illegible] quoque, et [illegible] mandati [illegible] Ostiano mandati [illegible]

[illegible] idque [illegible]

[illegible] mandatis [illegible]

[illegible]

De Procuratore constituto ad procedendum [illegible]

Comendat[illegible] ... [illegible] in procuratore ... [illegible]

[illegible] est, [illegible] constitutum procuratorem a [illegible] revocari [illegible]. — [illegible] [illegible] in de [illegible] et in casu extraordinario [illegible] [illegible] est [illegible] constitutum est, [illegible] revocari, sed [illegible] alias non; cum [illegible]. —

[illegible] colligitur ex [illegible] [illegible] [illegible] [illegible] etiam [illegible] [illegible] ab [illegible] procuratore [illegible] [illegible] *habere* [illegible] talis procurator [illegible], etiam [illegible] *alterum* [illegible] Dominus, [illegible] —

Rubrica 30

[illegible] pro alio comparentes [illegible]

[illegible] [illegible] annorum [illegible] minor [illegible] annis [illegible] [illegible] [illegible] non valet [illegible] [illegible] exstitit. Maior autem [illegible] annis et filiusfamilias [illegible] nomine alieno [illegible] [illegible] —

[illegible] 33.

[illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] sit Minor, Rusticus, mulier, Mars [illegible]

[illegible] [illegible] excitare [illegible] inimicitiae [illegible] [illegible] [illegible] ... [illegible] in tali [illegible] ad requirendum solemni[illegible] [illegible] *glossa* [illegible] [illegible] [illegible] minor, [illegible]

Rub.o 34.o

De Libelli oblatione

De ineptitudine libelli rot. semper opponi [illegible] ad [illegible] ad ea annullanda: Mars. sing. 119.

[illegible]

[illegible] Vol. 30.

[illegible] Mars. in sing. 634.

[illegible]

[illegible] et [illegible] instantiae et non [illegible] B. I. in [illegible] de edend. Vol. 14.

[illegible]

[illegible]

[illegible] in [illegible] actio exercen[illegible]

Rub.o 35.to

[illegible] producendo scripturas duplicatas

Rub.o 36.to

De Confitente debitum in Iudicio

[illegible]

[illegible] exigat [illegible] notab[illegible], ex in l. de [illegible]

[illegible] iudicio [illegible]

[illegible]

condemnat. L. unic. C. de confess. Ferrarius [illegible]

[illegible] mensis intelligas de 31. aut de 30. diebus Vide Alex. [illegible]

[illegible] in tuo mensis, et [illegible] pdam [illegible]

7. sunt menses de 31. dieb. [illegible]

Rub.a 37.ma

[illegible] torrea [illegible]

[illegible] ad [illegible] egleias ff. de [illegible]

Rub.a 38.ua

De Iuramento Calumnie.

De hoc dicitur in L. non nouum. C. de iudicijs [illegible]

[illegible]

[illegible]

[illegible]

De Manutenentis et [illegible] in [illegible] tenendo [illegible]
[illegible] cons. [illegible], et a [illegible] non [illegible] vide [illegible] Dec
cons. 62 vol. [illegible] et [illegible]

Adde ad [illegible] sententia[m] iudicis [illegible] Bart. in L. cum miles [illegible]
[illegible] causa maior [illegible] Dec. cons. 112 in [illegible] et [illegible]
[illegible]

Adde et quod comparens in iudicio quaerit [illegible] ad alium [illegible],
non vult privilegium [illegible] iudicii [illegible],
ita [illegible] notat in L. [illegible] Bar. [illegible]

Rub.ca 20.

De [illegible] Manutentis, [illegible]

Rub.ca 21.

De Reo in iud.o [illegible] nominante

Vide Dec. cons. 62 vol. [illegible]
[illegible] hac materia vide [illegible] Bart. et alios in [illegible] in [illegible] et [illegible]
in cap. [illegible] §. [illegible] extra ut lite non
[illegible] ubi [illegible]

Cum ista consuetudine quod Rex nominaverit dominum in Judicem tenen. ac...

... extat tamen ... anno 1540 fol. 126 ... Rex ... in Jud.

Item ... et ...

... cum eo ...

et ...

Rub.ca 92.da

De Conservatoribus

Rub.ca 93.a

De Satisdationibus dandis Actori, et Rea

Actor ... de satisdatione ... in expio. C. de Judicijs ...

... in expio. ff. de precario ... cauit. l. 13.

Item dicit [illegible] omnes dilationes non sunt [illegible] contex. ad. [illegible]
et in quacumque parte [illegible] immo post [illegible] dilationes,
ut tradit Bartol. in [illegible]

Sicut [illegible] attestationum, [illegible] lex [illegible],
[illegible] iudici [illegible] ad probandum [illegible] Gingolo.
[illegible] admitti ad [illegible]
[illegible] eius n. 7. et [illegible] multa [illegible] et contra [illegible]
[illegible] adducit [illegible]

[illegible] [illegible] ad [illegible] negat [illegible] non [illegible]
[illegible] causa cognita, et Iudice pro Tribunali sedente, et Iudice
dilationem [illegible] statim [illegible]
[illegible] quod [illegible] intellige ut [illegible] Bart. [illegible]
[illegible] in [illegible] de [illegible] et [illegible]

In Criminalibus quid servandum sit in hac materia, vide [illegible]
in [illegible] post [illegible] de [illegible] contra [illegible]

[illegible] summarie et sine [illegible] Iudicij [illegible]
etiam nulla [illegible] solemnitate [illegible]
[illegible] figura Iudicij et absque ullius solemnitate [illegible] Bart.
in [illegible] in verb. figura, et absque [illegible]
[illegible] solemnitatibus [illegible] in [illegible]
Milites [illegible] de militari test. num. 5.

[illegible]

Actore renunciante termino ei limitato.

Quod etiam sit si actor renunciaverit dilationi, [illegible]
[illegible]
[illegible] Criminalib. quid vide Bart. in l. [illegible] post [illegible] ff. de bonor.
[illegible]

Rub.ca 45ta

De terminis assignandis ad procurandum et obtinendum

Rub.a 46ta

De pena fraudem committentium

Rub.ca 48.

De Mandatis, et Actis iud. [illegible]

Vide hac Const. dec. in Cons. XI. n. 2. p. 1 [illegible]

Rub.ca 49.

De [illegible]

Rub. [illegible]

De necessariis actis in [illegible]

Vide Robert Marant in suo [illegible] pag. 71. n. 4. ubi dicit non admitti probandum ad retractandum iuramentum [illegible] sed bene admitti probando ad [illegible] niendum [illegible] iuramentum de [illegible]. And. de [illegible] in c. [illegible] similiter [illegible] de consuet. [illegible]

Et a [illegible] [illegible]

C [illegible]

Et si iuramentum [illegible] oblatum in iud. [illegible] in iud. et in criminali [illegible] en [illegible] le [illegible] [illegible] admittenda [illegible]

[illegible] de [illegible] manifeste [illegible] n. 3. [illegible] de [illegible]

[illegible] hoc disputat, et tandem concludit quod d. [illegible] manifeste [illegible]

[illegible] ad [illegible] de edend. quae [illegible] actore [illegible]

[illegible] nota

[illegible] n. 83

Nota [illegible] an actor qui nihil [illegible] potuit [illegible]

Bartolus in l. [illegible] ut [illegible] iurare, nisi [illegible]

[illegible]

[illegible] per actor. [illegible] in d. [illegible] admonendi. n. 85. et 86.

[illegible] iuramentum [illegible] iudicialem [illegible] in iudicio

[illegible] et [illegible] actor [illegible]

[illegible] non [illegible] iuramentum non [illegible] ad [illegible]

actore [illegible]

Rub.a 52.da

[illegible] et iurare:

[illegible]

[illegible] impertinentia [illegible] notata infra. Vide et dictam posit[illegible]
[illegible] in [illegible] in sacra [illegible]
[illegible] admittentes ex dictis Capitulis.

[illegible]

De testibus

[illegible] decernentis [illegible]
[illegible] sunt evidenter impertinentes et
[illegible] eos admittere, et cum [illegible]
[illegible] admittendos, glossa notab. in cap.
[illegible] in [illegible] 3 [illegible] nihilominus [illegible]
[illegible]
[illegible]
[illegible] debeat admittere omnes interrogationes et [illegible]
[illegible] in [illegible] impertinentibus et non admittendam [illegible]
[illegible] non debet admittere interrogationes evidenter impertinentes.
[illegible]
evidenter [illegible] ab initio [illegible] in [illegible]
[illegible] notabilis [illegible]
[illegible] in [illegible] et adversus eos. *
[illegible]
[illegible]
[illegible]
[illegible] protestationis [illegible]
[illegible] admittere [illegible] consuevit [illegible]
in Cons. 34. nu. 6 et 8.
[illegible]
[illegible]

* Vide [illegible] evidenter [illegible] impertinentes et irrelevantes non admittendi, immo reijciendi, nihil enim ad probandum admittendum quod probatum non relevat, [illegible] ad probationem [illegible] probari, nec inutilibus probationibus et immensis sumptibus partes debeat gravari, [illegible]

* Vide in hac materia Decianum cons. 75 [illegible] apta et ingenta [illegible]
[illegible] et [illegible] intentionem nostram
[illegible] ad hoc aurea. Adde Bart. ibid. in principio.

Subaudi in Clem. sepe. Adde et nota [illegible]

[illegible] et nota

[illegible] et quin n. 5 [illegible] figag [illegible]

[illegible] n. 3 [illegible] de rei hered. [illegible] eandem [illegible]

[illegible] Bald. [illegible] in [illegible]

[illegible] hac materia [illegible] vide Decium in L. [illegible] ff. [illegible] et Dec. in [illegible] 102 in ca. [illegible] et in Cons. 517. ubi plena manu hanc materiam discussit.

[illegible]

[illegible] et etiam ambag. in L. ex his [illegible] in [illegible] credit.

Dubie [illegible] ultimi [illegible] positiones [illegible] et [illegible] attestationes [illegible]

[illegible]

[illegible] de [illegible] tam examini:

[illegible]

[illegible] in [illegible] 25 [illegible]

[illegible] ut notatur in L. [illegible] de edend. ubi Bald.

ienim q[ue] scripta in Codice sunt verisimilia cum sniam producerentur [illegible]

urbanum, et nil aliud. [illegible] rationes Cod. [illegible] vide sing. Bald. pro hac

[illegible] hoc habetur statutum vir. senianna

[illegible]

[illegible] de illiusione, si tn ex [illegible]

[illegible] non obstante statuto.

[illegible] non est [illegible] sed [illegible] comunitatis [illegible] in [illegible] eod. [illegible] ab [illegible] mentio [illegible] in § 1° [illegible] cautio [illegible]

R. 5. 55.

[illegible] ex compromissis Lau[illegible]

Nota q[uod] sententia [illegible] Bald. in l. si debitor [illegible] in l. [illegible] i. C. de contest. Marana in suo speculo . 8. dist. num. 55.

Nota, q[uod] contra sniam ex compromisso latam pot. opponi [illegible] in l. [illegible] 8. 1. [illegible] in l. [illegible] § [illegible] 84. [illegible]

[illegible] 6. a. 1. vol. 4. Corn. cons. 161. vol. 3. Decii cons. 478.

Nota [illegible] q[uod] contra compromissum opponi [illegible] compromissum prohibitum [illegible] arbitrum [illegible] esse actum, [illegible] sua [illegible] non sit compromissum [illegible] in stipulatio ista ff. de verb. obl. ubi Alex. al. 2a

Vide Decii cons. 65. nu. 42. 43. lib. 5.

[illegible] mittantur [illegible] arbitro

Sententia [illegible] compromisso [illegible] Ianuarij [illegible] Statuto [illegible] 196 [illegible] 306 [illegible] 1477 [illegible] fol. 167 [illegible] salvando semper mai #

et decretam, e de hoc pars [illegible] Com. immo [illegible]

[illegible] attento eiusd Sententia non esse veram, et decretam [illegible]

[illegible] Hectoris Pithani anno 1575. 17. [illegible]

Compromitti [illegible] Rector, Vicarius, et [illegible] alium [illegible] anno 135. 5. X. [illegible] And. Hon.

[illegible]

[illegible] compromittere possunt.

potesit, et ex compromisso erit [illegible]

Idem de minore cum auct. Curatoris,

[illegible] cum decreto Iudicis, et aliis solem: nitatibus requisitis; prout in [illegible] 110. sub [illegible]

Rubrica 56

De uero Deposito

Rubrica 57

[illegible]

\# L'ordine di Compromessi, i quali si fanno de [illegible] 1433: nel mese di ottobre.

Q.[illegible] 58.

De Citationibus in Causa [illegible]

[illegible] de [illegible] locus ex[illegible], et citat[illegible] Reus pro tali die.
[illegible]
[illegible] seu Villam, ne omnis teneantur personaliter comparere
[illegible]
[illegible] Verba [illegible]
[illegible] de Lanzara. 1504. 25. Junij.

[illegible]

[illegible] [illegible]

2. [illegible] ad ista [illegible] habet locum intra annum, et sic actio ex[illegible], [illegible]
[illegible]
[illegible] Bart. in c. [illegible] ult. ff. de oper. n[illegible]
[illegible] Et dictum [illegible] penalia, que [illegible]
[illegible] incipit currere cum [illegible]
[illegible] potestas, [illegible] facultas, ob id annus [illegible] quod in [illegible]
[illegible]
ex l. 1. ff. de diuers. et tempor. [illegible] et [illegible] sequitur: [illegible]
[illegible] in [illegible] 85
num. 708.
[illegible] non [illegible]
[illegible], an [illegible] de [illegible]
[illegible]

aliqua ratione, ita quod dolus malus &c.

Nota, qd possidere et esse in actibus differunt, per tex. in l. si quis ante ff. de acq. actis.

Nota, qd clausula de facto, obstito in statutis [illegible] in extrani ad regimen . . . videb. et in cons. 118. Bal. in . . . ff. de eviict. Celsus Hugo in tract. clausular. in clausulis c. [illegible]

Adde, quod licet in hac Rub. [illegible] in . . . dicat quod . . . statu . . . tamen [illegible] contrarium . . . Joan: And. in add. spec. in tit. de . . . ff. . . . quod licet statuta caveat, quod in aliquo casu . . . alicuius . . . tamen contrarium, et est communis . . . ut refert . . . in l. . . . eiusdem ff. de acius, ubi dicit, qd est de ignorantia . . . contrarium, quod imo . . . et alleg. [illegible] in 2. . . . de . . . in 6.° et de . . . vide . . . in d. lege si quando ubi etiam tradit . . . credendi ad . . . iuramentum [illegible]

Adde . . . dicta . . . Hippolitum de Marsiliis in sing. suo 357. incip. . . . statuta . . . ubi multa . . .

Adde . . . notab. voluit Ang. . . . ff. de . . . et idem voluit Ang. ex . . . in l. . . . incip. . . . quod nota.

[illegible]

Quid aut in exercitij alicuius, an' iam teneant aequa ... statuti
... eius ... cons. 436 ... communis ...
... illa ... cons. 118. vol. 4. cons. 106. vol. 5.
... [illegible] ...
cons. 47. incipit in causa exercitij, ubi de villa ... et ...
... cons. 110. in causa ... cons. 113. ubi de conclusione
... in causa ... inter ...
et communis vol. 2. et cons. 205. eod. vol., ubi quid ... ut dicat
... exercitij, et an' ... declarare ... communis ...
exercitij. Vide ... decis. 250. ubi ... eius

... pignora per manus ... et ... [illegible]
... unum ... exat ... anno 1558
... et exat ... [illegible]
... [illegible]

... de stilo, et consuetudine, quod ... de exercitio ... [illegible]
... [illegible] ...
de exercitio ... publica ... Officiale
... [illegible] ...
... [illegible] ...
... [illegible]

... qui non habet animum turbandi ... exat,
... ad ... pignora ...
simile non potest accusari de turbata possessione, eo quod
non teneat ... possessorem. Vide ... cons. 436. vol. 5.

Nota ... [illegible] ...
... in ... [illegible] ...
... [illegible] ... anno ... [illegible]
... [illegible] ...
... in hac parte ... [illegible] ...
... [illegible] ... et propria auctoritate
... [illegible] ...

[illegible]

[illegible] [illegible] [illegible]

[illegible] et [illegible] ad [illegible] [illegible] [illegible] dominus limitatur, quando Julianus [illegible] facta [illegible] [illegible] sit elapsus annus. Unde licet elapsus anni [illegible] nianus ad agendum, non tamen [illegible] ad excipiendum. Bal. [illegible] in [illegible] n. [illegible] C. de exceptio.

[illegible] in suo [illegible] cum add. in 4. 1. [illegible] n. 20 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

Pena ignorantia non [illinitis], et [illegible] cum nuncio domini [illegible]

De possessione annua in causa extorij et utramque [illegible] allegata

[illegible] ex [illegible] tenentis

[illegible] de extorijs condemnatus; ut hic [illegible], quod nota

[illegible] inter Comm. et Commune et una ex [illegible] aliam

[illegible] pascuatione, nec levare pignora,

sed signare pignorationes et finita lite [illegible] pignorantes

quotas [illegible] et ita [illegible] fuit iudicatum, et [illegible] manu

[illegible] inter Comm. [illegible]

et [illegible] et manu [illegible] Hanibal Portis anno 1510 12 [illegible]

pro Commune Catardie, et Communi [illegible], ultra alias innume:

rabiles [illegible]. Quando aut pignorata causa [illegible]

quia tractatur de maiori iudicio, nec signare [illegible]

levantur pignora, e [illegible] inter Commune Maniaci Magni, et

Maniaci [illegible] anno 1505. 14. Junij. manu [illegible]

Ex [illegible]. Nota, quod illa [illegible] possessio tam

civilis, quam naturalis, [illegible] et [illegible]

[illegible] in [illegible] de acquir. [illegible]

Adde not: in [illegible] quis ad le [illegible] ad [illegible] Iuliam [illegible]

[illegible]

Ideo forsitan [illegible] constitutio [illegible] annuae possessionis, quia [illegible] possessionem

[illegible] annualia [illegible] inskcius.

De [illegible]

+ de [illegible] damnum dati, [illegible] Mars.

[illegible] 74. in prim[illegible]

[illegible]

Ratio

Castro · Cons.° 57 · in causa Ectorij · Card.[lis] et Card. [illegible]
Rubeis Cons.° 16 [illegible] et Socin. [illegible] cons.° 140. in causa
[illegible] num.° 20 [illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible] damni [illegible] [illegible] alio modo [illegible]
[illegible] [illegible] [illegible] cautio et [illegible]
maius [illegible] in [illegible] animalium [illegible] in [illegible]
[illegible] [illegible]
ff. de damno infecto.

* Mediocre [illegible] id, quod supra dictum est ex Mars. [illegible] 74 [illegible]
2.[a] remedium Non ex Bartolomeo [illegible], quod [illegible] statutum quod dicunt quod [illegible]
[illegible] creditor [illegible] [illegible] denunciari [illegible] ad certam quantitatem, [illegible]
taxare [illegible] remedium [illegible] probando contrarium [illegible] statutum [illegible]
modi [illegible] contrarium probari, ut not. [illegible] et [illegible] in [illegible] adu. [illegible] et [illegible]
[illegible] not. [illegible] Maxime [illegible] eundem [illegible] nullus [illegible] in [illegible]
in [illegible] de [illegible] illa, quae [illegible] not. [illegible] in summa, ad l. Aquil. ff. *

Cod. · Reij ·
§. 1. in principio.
Sed [illegible]
procedunt, nisi
Statutum [illegible],
dicendo, quod
[illegible] et ultra
non possit inquiri, quia
non possit probari contrarium,
nec taxari [illegible]:
ut Bal. in c. fi. si de invest.
inter dom. et vasal. lis oriatur.
ad quod facit optime glo.
in l. si non fuerit ff. pro socio.

[illegible] 68

Quando [illegible] [illegible]
[illegible]

[illegible]

[illegible] [illegible] [illegible]
qualiter ei succurratur.

Item quod [illegible] quando [illegible] [illegible] omnia [illegible]
[illegible] vulgaribus, [illegible] in [illegible] principali [illegible]
[illegible] [illegible] contra [illegible] si quis [illegible]
[illegible] tamen [illegible], quando quis est [illegible]
[illegible] non possit [illegible] omnia [illegible]
approbatur in cons. [illegible] in cap. [illegible]
[illegible] *

* magis [illegible]
[illegible] in
Cons. in 5 n.° 40

[illegible]

[illegible] allegat. [illegible] noviter acquisita et incidenter
[illegible] allegata [illegible] [illegible]

Quinquagesima
Rub. 61.

[illegible]

admittendis.

[illegible] [illegible] oppositionem admitti ad perturbandam possessionem
[illegible] domino [illegible]
[illegible]
in Cons. 50. nu. 18. vol. 2. [illegible] momenta [illegible]
[illegible] in Cons. 100. nu. 8. vol. 2.
[illegible] interregillo, ut mihi [illegible] [illegible], pro quibus [illegible]
[illegible], eas [illegible] tenet. Rol. a Valle in Cons. 66.
nu. 6 [illegible]

2 Adde quod [illegible], et [illegible] integer [illegible] in [illegible] domini, ut
[illegible] concludit [illegible] in Cons. 3. n. 2. in [illegible] Cons. [illegible]

Alleg[illegible] partes [illegible]

Rub.a 69.a

[illegible]

Rub.a 70.ma

[illegible]

Vide cons. [illegible] circa [illegible]

[illegible] ita peremptio abijt in desuetudinem, ut [illegible] et [illegible] Elian. in cons. 15. n.o p.o lib. 5.

[illegible] cons. 137. n. 2. [illegible] Senior. cons. 24. vol. 3. ubi late

et [illegible] Noti. 1556. 12. 8.bris quod non obstante aliqua exceptione peremptionis instantie [illegible] [illegible] spatium debet procedi ad executione [illegible].

[illegible] sex menses instantia d. peremptio.

[illegible] cum sumus in executiuis, [illegible] peremptio

instantia Bart. in l. Titius ff. de agricol. lib. 11.

[illegible] Mensis intelligit de diebus 31 [illegible] in [illegible] [illegible] et sic [illegible] dies [illegible] in [illegible] [illegible] [illegible] [illegible] aliud [illegible] [illegible] mense [illegible] 31 [illegible] 30 [illegible] 7 [illegible] 31 et 5 [illegible] 30 [illegible]

Vide M. Antonium Bardum in tractatu de [illegible] [illegible] cap. 2 [illegible] [illegible] mensis [illegible] in [illegible] 30 [illegible] mensis [illegible] [illegible] aliquos [illegible] [illegible] [illegible] in [illegible] dies 31 et in aliis 30, ubi allegat [illegible] et exempla [illegible]

Rubrica

Commissione Causarum

[illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible] Felician. cons. 17 n. [illegible] lib. 5.

Nota quod [illegible] causa [illegible] commissa non per [illegible] [illegible] ordinarie [illegible] ordinarius [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] concludunt [illegible] de [illegible] causa [illegible] [illegible] [illegible] Alex. cons. 182 col. [illegible] in [illegible] vol. 6.

[illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Alex. in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ubi [illegible] quod [illegible] [illegible] in [illegible]

Rubrica

[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Vicario [illegible] [illegible] ut [illegible]

Rub.ca 73.a

De Sententiis [illegible] non proferendis.

Rub.ca 74.a

Sententiam [illegible] allegans [illegible]

Judex tenetur habere examinatam causam [illegible] sententiam [illegible] et habetur in cap. licet de re iudicata [illegible] in [illegible]

Rub.ca 75.a

[illegible]

Non licet.

[illegible] Judex in [illegible] quod in dubio iudex a suo admitt. [illegible]

[illegible]

transferre ... et quaternus ...
... in ... omnibus ...
... quia ... definitiva ...
... 11 · 12 · 16 ·
... datum ad appellandum ... Gr. const. ...
et ad ... illud tempus ... appellationem ... sive ...
... appellationem ... ipsius ...
... 60 ...
... Conventionis ad licet appellandum.
... in aliqua ... licet appellandum ... nullitate ... ut ...
Nota in causis alimentarum ... elian. cons. 90 · lib. 1°
... dubium ... quod ...
...
...
...
...
...
...
...
... cu... ...
... ab executione
... appellationem ... provocatione ...
de appellationibus

R. tit. 76.

De Appellationib. non admittendis in causa Protectionis.

R. tit. 77.

De Appellationibus corrigendis [illegible] fienda.

[illegible] recurrendi [illegible] in suo [illegible] 1530 [illegible] in [illegible] [illegible] liber.

Rub.a 18.

De Recobonibus in Causis Appellationis etc.

[illegible] instantia quod non erat probatum in prima. Romana: dicit [illegible]

[illegible] appello [illegible] ad eum statum [illegible] in quo erat [illegible]

[illegible] conc. 1381 [illegible]

[illegible]

[illegible] ad excipiendum et [illegible] impedimentum [illegible]

[illegible] Appell. non [illegible]

Appellationibus ad [illegible] Auditores [illegible] quomodo procedant [illegible] in Concilio [illegible]

[illegible]

Nota quod [illegible] in causa principali, et [illegible] in eadem [illegible] super eisdem [illegible] inter eisdem [illegible] vel diversi [illegible] vel [illegible] in appellationis [illegible] materia valeat a [illegible]

[illegible]

[illegible] communi [illegible] an in causa [illegible] eisdem [illegible] diversi [illegible] sunt opiniones [illegible] Dub. Reg. quest. 14 et 1347; [illegible] procedere [illegible] de Jure Communi [illegible] ut in Clem. [illegible] Bart. [illegible] 18. Bald. [illegible]

De appellationibus extra iudicium interpositis.

De [illegible] post lapsum [illegible] mensium exequen[illegible]:

[illegible], et [illegible] [illegible] non tenetur [illegible]. Bal. in l. [illegible] [illegible], qd qd quis in [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible], [illegible] ille [illegible] ad [illegible] [illegible] propter [illegible] [illegible], et [illegible] mores, [illegible] ad [illegible] [illegible] [illegible] [illegible] mores [illegible], ut [illegible] Bald. in [illegible] [illegible] [illegible] C. de [illegible] Vid[illegible] n.º 20.

[illegible] executionem ob lapsum [illegible] mensium, [illegible], [illegible] in [illegible] mobilia sint comprehensa, quae dicantur mobilia, an [illegible] censeantur inter bona mobilia vel immobilia, Vide Alciatum in [illegible] [illegible] in fine, et an [illegible] [illegible] inter mobilia vel immobilia, vide eu[illegible] ibi, et [illegible] debitor [illegible] sub mobilibus, [illegible] immobilibus vide [illegible]

[illegible]

[illegible] in executione [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] pendente compromisso:

[illegible] in [illegible] [illegible] [illegible] [illegible] C. de tempor. [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible], ut in [illegible] arbitrariae.

Adde [illegible] in l. [illegible] executione. C. [illegible] [illegible] ubi tenet, qd exceptiones quae possunt opponi post [illegible], possunt etiam post [illegible] [illegible] [illegible] [illegible]

Post executionem ... in addit. ad Bart.

... cautionem ... quod die 9. 8bris 1579 ...

... ...

... cautione inter ... Dominicum Georgium,

... Malbenium et ... Ilimberg

... ...

... cap. quod. 189.

... cautionis ... in aure. ... de ...

... et ... et quod faciam quod mihi incidit

... 189

...

...

Ad verba illa ...

...

... in l. ... §.

...

Ad verba illa ...

... ... sententiis

... in sententiis

...

... ...

Rub[ric]a 8.
De Protectionibus.

Rub[ric]a 83.
De Obligatis ad Carceres.

[illegible]

[illegible] ... [illegible] de his [illegible]

[illegible] Zonzan. in Cons. 320. [illegible]

[illegible] quod non sint

[illegible] in [illegible] carcerem [illegible] specialiter [illegible]

[illegible] de obligatione ad carceres, et [illegible]

et corpore [illegible] et [illegible] [illegible]

[illegible]

Rub.ca [illegible]

De Expensar: Refectione

[illegible] de refectione expensar[illegible] seq[illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible] in [illegible] Casu attendenda
[illegible] attendit: generalitas Rub.ce non obstante, quod [illegible]
[illegible] [illegible] Paul. de Castro in Cons. 234 [illegible] Cauro.
[illegible] Bald. in Cons. 316; [illegible] lib. 3. primo [illegible] Cons. 526.
[illegible] Cons. 128. [illegible] col. 2a vers. 9o [illegible]

[illegible] expensas valet etiam omisso verbo, Condemno, ut Castren.
[illegible] [illegible] [illegible] Decian. cons. 37. n.o 17. [illegible] 55.
ubi Bart. Bald. et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ut refert. et sequit. Ant. Gab. lib. 2. de [illegible]
conclus. [illegible] ubi etiam refert nonnullos tenentes Contrariam Opi.

[illegible]

registr. in [illegible] Archiv. [illegible] Novembris. 1648 [illegible] Rub.ca 85.

De Executione Sententiar.

[illegible] Vide notab. Lege, a [illegible] lib. 5. in Sententione [illegible]
[illegible] Judicat.

[illegible] [illegible] [illegible] [illegible] [illegible]
executione [illegible] inveniendum; nam [illegible] a principio [illegible]

[illegible]

[illegible] alte [illegible] Alex.

[illegible] sententia [illegible] ex alia [illegible]

Nullitatis per partem opposita impediat executionem ipsius [illegible]

[illegible] ad contra [illegible]

ex [illegible] causa eandem nullitatem mandatur executioni [illegible]

[illegible] nullitas [illegible]

[illegible] de [illegible] in [illegible] ex eisdem actis [illegible]

[illegible] alias [illegible] executionem [illegible]

[illegible] Vitale de Cambanis in tract. [illegible]

[illegible] allegans nullitatem [illegible] nulla [illegible] executionem [illegible]

[illegible] allegans nullitatem [illegible] eandem nullitatem [illegible]

[illegible] executionem [illegible]

Quaestio 86.

[illegible] executione [illegible]

[illegible] 15.

[illegible] et [illegible]

et alios [illegible] significat. Corn. in cons. [illegible] 5. vol. 5.

[illegible] executionem [illegible]

[illegible] non impedit [illegible]

[illegible] executione [illegible]

[illegible]

ita Alex. in cons. 87. nu. 11. in fine

Ganon. not. in cap. cum [illegible] de off. deleg. quod nullitas [illegible] executionem non impediat

[illegible] nullitas [illegible] alias [illegible] distinguendum [illegible] allegans nullitatem [illegible] executionem [illegible]

[illegible] nullitas [illegible] non impedit [illegible] quod in [illegible] executio sit [illegible]

Rub.ca 87

[illegible] tractus [illegible] et Communis

Et Conformis Juri [illegible] Communi [illegible] instantia [illegible]
[illegible] deinde [illegible]

Rub.ca 88

De [illegible] vendendorum
[illegible]

[illegible]
[illegible] Valle [illegible]
[illegible]
[illegible] et [illegible] in [illegible] alio [illegible] et [illegible] Ville
[illegible] Rub.a [illegible]

Rub.ca 89

De Venditione Bonorum Mobilium vendendorum
ad Incantum

*

usare [illegible] valeat [illegible] vendita [illegible]
[illegible]
[illegible]

25

in his. Paul. Castrens. cons. 265. dicit aeris. ... ubi in terminis istius materiae, et istius conclusionis consuluit in causa ... maxime cum debitor offert ... debitum ...
... et ...
vide notata infra ... cons. 99.

... ordo non servatur in venditione ... ... limitat, et ... nu. 16. cau. 12. fol. 597.

Quaestio 90.

... Bonis non vendendis, ... intra et extra Patriam.

...

... Bonis ...
...

... ...
Consilium ...
nu. 30.

[illegible] ad [illegible] in [illegible] ad [illegible]
[illegible] in fine

Rub.a 92.da

[illegible] et Vicinis [illegible] Agnationis [illegible]
[illegible] Agnatorum: Vicinorum: vendita
[illegible] data

[illegible] acta Sacri Montis Pietatis [illegible] et [illegible] Maioris [illegible] eiusdem Civitatis [illegible] 155[illegible] [illegible]

[illegible] et [illegible]

Ista Constitutio deducta fuit ex lege [illegible] C. tit. 25. ubi [illegible] dixit: Si attenuatis [illegible] venditum [illegible] propinquus eius [illegible] quod ille vendiderat [illegible]

32. Eme tibi agrum meum [illegible] propinquitate [illegible] emas [illegible] Constitutio [illegible] in [illegible] commune [illegible] de contra [illegible] in [illegible] emptione [illegible] de minor [illegible] interest [illegible] in emptione [illegible] [illegible] heredes [illegible] admini[illegible] [illegible] venditum [illegible] a [illegible] [illegible]

[illegible]

inter Gallos in suis [illegible] Cap. 3. q. 163. nu. 7. [illegible]

[illegible] quem nemo citat in § de [illegible] Aut.

[illegible]

[illegible] tale [illegible] de [illegible]

[illegible] agnationi [illegible], non [illegible]

[illegible] de iur. immun. [illegible]

de stat. [illegible] et ita [illegible] Bald. Salic. et Joan. Faber [illegible]

[illegible] in § 1. [illegible] de acquisit. [illegible]

[illegible]

[illegible]

[illegible]

[illegible] beneficium [illegible], [illegible]

[illegible] extra familiam alienari [illegible],

[illegible] alienari [illegible] et [illegible]

[illegible] ff. de Leg. 2. [illegible] cons. 85. [illegible]

cons. 672. [illegible] in fine [illegible]

[illegible] Mars. sing. 64. [illegible]

cum [illegible] conscientia [illegible]

[illegible] in [illegible] et simul [illegible] n.º 117.

[illegible]

masculis, et non [illegible] feminei [illegible] in Rub. [illegible]

ad [illegible] de [illegible] masculis seu feminis

[illegible] agnat[illegible], et [illegible]

[illegible]

[illegible] in [illegible] commutatione.

[illegible] in [illegible] 51 [illegible]

[illegible]

[illegible]

[illegible]

[illegible] qualitas [illegible] cons. 110 n.º 6

[illegible]

Pro beneficiis huius Constitutionis competat ei, qui tenetur [illegible] [illegible] [illegible], atque adeo [illegible] non [illegible]
[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] et an in [illegible]
[illegible] [illegible] [illegible] Idem eisdem in locis.
[illegible] Decis. in Cons. 223 [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] vera in iudicando: [illegible] [illegible] [illegible] adducta
[illegible] [illegible] in [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
Extat etiam [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] non tenetur [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] emptoris fieri notificatio eidem
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
particularis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] sic [illegible] extat [illegible] Decisi [illegible]
anno 1583 [illegible] [illegible] notificatio [illegible]
fieri [illegible] [illegible] [illegible] Mantua in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
simile [illegible] in [illegible] [illegible] [illegible] [illegible]
[illegible] quod notificatio fieri [illegible] proximior.
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible]

[illegible] [illegible] 21 [illegible] [illegible] [illegible] [illegible] 29
[illegible] [illegible] [illegible] tenet, [illegible] sufficit, quod agnatus
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

Non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et in [illegible]
[illegible] [illegible] Dec. cons. 282 [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Adde quod [illegible] cons. [illegible] vindicat alibi. Alex. in cons. 27 vol. 6.

[illegible] quod [illegible] non [illegible] revocat [illegible] in hoc [illegible] quivis privatus, aut extraneus emptor, cui advocat ab invito [illegible] dominus post [illegible] quoad [illegible] et [illegible] in [illegible] emptor et [illegible] et in omni [illegible] omnia idem [illegible] Gallus [illegible] n. 22. et 27.

In [illegible] medio [illegible]

Deci. in cons. [illegible] in cons. 72. n. 16. vers. [illegible] lib. 5.

[illegible] in hoc articulo quod [illegible] emptor [illegible] et [illegible] omne [illegible] emptore et hoc [illegible] venditoris [illegible] de voluntate [illegible] seu emptoris ad hoc [illegible] ad hoc [illegible] cons. [illegible] in [illegible] venditor [illegible] emptoris ad hoc ordinata [illegible]

[illegible]

[illegible] et in [illegible], cum esset in eius arbitrio, [illegible] iuvenis ad [illegible] ita Bart. sing. in l. in diem. ff. de aq. pluvia [illegible] et in [illegible] mod. [illegible] 18 [illegible]

[illegible] et appellatione agnatorum, dubitari pot[est]

[illegible] legitimatus admittatur [illegible] in [illegible] Agnatum [illegible]

[illegible] in [illegible] 23 [illegible]

[illegible]

[illegible] legitimatus [illegible]

[illegible] non [illegible] constitutionis lege [illegible] verbis, quibus [illegible]

[illegible] parente [illegible], [illegible] quod [illegible]

[illegible] num.° 252 [illegible] de [illegible]

[illegible] in [illegible]

[illegible] naturales [illegible]

[illegible] admittatur [illegible]

[illegible] et [illegible]

[illegible] Bart. in l. [illegible] de [illegible]

[illegible]

[illegible] quod dicit, [illegible] in [illegible]

[illegible] imago [illegible] in legitimatione, non [illegible] et ideo dicit [illegible] legitimatus [illegible]

[illegible] et dicit idem Bald. in cap. [illegible] col. [illegible] [illegible] in [illegible]

quod legitimatio est similis Alchimiae, quae facit [illegible] quod [illegible] est, et ideo legitimatus [illegible] legitimus [illegible] sed non habet eandem substantiam: et dicit Bald. in cap. [illegible] col. 2.a

parti

contra [illegible] transla. [illegible] quod legitimatio [illegible] [illegible] mediat [illegible], in quo semper remanent aliquae [illegible] ita dicit [illegible] in Cons. 73. n.° 26. et seq. col. [illegible] [illegible] [illegible] veritas, quod legitimatio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quam [illegible] illegitimum [illegible], et [illegible] [illegible] [illegible] [illegible] et de [illegible] [illegible] [illegible] [illegible] in [illegible] adducta per [illegible] in [illegible] [illegible] lib. 8. [illegible] [illegible]

2 [illegible] an legitimatio [illegible] excludat agnatos in feudis [illegible] [illegible] in [illegible] [illegible] feud [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] articulum et concludi quod [illegible]

Item de legitimato per subsequens matrimonium [illegible] [illegible] [illegible] [illegible] matrimonio et dote [illegible] [illegible]

Item [illegible] legitimatio [illegible] [illegible] in feudo [illegible] [illegible] [illegible] legitimo matrimonio [illegible] legitimationem [illegible] [illegible]

[illegible] [illegible] [illegible] mutato [illegible] [illegible] [illegible] [illegible] statum

[illegible] quod non [illegible] in [illegible] 2. [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 62, Bald. in repet. in [illegible] Vicinus in [illegible] et [illegible] [illegible] fin. in fine [illegible] [illegible] [illegible] [illegible] [illegible], in [illegible] adducens [illegible] [illegible] [illegible] [illegible]

An emancipatio admittatur ad retrahendum

[illegible] quod licet emancipatio [illegible] rationem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] est enim [illegible] [illegible] [illegible] [illegible] natura [illegible] ut in [illegible] quia [illegible] [illegible] mutari [illegible] [illegible] sanguinis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in emancipato [illegible] [illegible] [illegible] [illegible] [illegible]

Sta…

[illegible] ... tatis [illegible] Unde Liberi [illegible] et in L. in hereditatis

[illegible] ... bene est quod [illegible] filius et admittitur ad vendicandum [illegible] emancipatus et statim admittitur [illegible] [illegible] adjiciendo [illegible] [illegible] [illegible] et [illegible] emancipatus admittitur ad vendicandum, et [illegible] stare in [illegible] quando [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] dubitet

[illegible] motionem quod [illegible] continentis [illegible] in vendendo [illegible] et sic proximior [illegible]

[illegible] proximiorem [illegible] [illegible]

[illegible] quod licet appareat proximiores vocari [illegible] statim [illegible] vocarentur illi de familia illi [illegible] vocati proximiores, et sic ordine [illegible] in [illegible] legatum [illegible] in fidei commissum [illegible] [illegible] significat

Numquid [illegible] et bene [illegible] [illegible] competat [illegible] [illegible] vendicatione

[illegible] [illegible] [illegible] vendicandi non competat

[illegible] quod [illegible] [illegible] contingente [illegible] non [illegible] licet [illegible] [illegible] [illegible] Unde [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] similis [illegible], quod [illegible] videtur [illegible] competere [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] similiter [illegible] [illegible] [illegible] [illegible] remedium [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 2

[illegible]

eruerit unde. Unde actio nec competit nec eius vigore seque-
retur ex dicta rationali in nostro scriptura. Sed bene dicitur
subtilitate quia tamen est facit et fit mai.

Nec obstant in contrarium adducta auctoritates qui in dicta causa,
et honus. qui dicit Baldus, quod procedit de rigore non de
equitate maxime considerabili in similibus argumentum ingenuit et
orat. Atque etiam dicit ut aliter Baldus ibidem. et Iason
ante parte venire maxime considerandum Baldus quem
videtur quod venient indicium, ut vina in familiarum remaneant
et accedit de mente testatorum considerationis et ideo. Sed
in hoc, quod non erat intentio vel datio in solutum in
iudicium et dicendum, ed quibus et agnatus, vel cuilibet ultimus
ab eodem libro vocati causa: cendicam et oriretur. Inde
ex illis dictis generalibus, et geminatis de eiusdem
ampliatio utroque tamen semel, sed aliunde et communibus
competat tale ... et rationis Baldus et nunc.
necessario iuxta constitutionem Baldus non in hoc: nam dicit
legis ... universalibus hic aeri iam
... ad ... restrictione sed ampliationem ...
in Lege. d. nunciatio ... de novi oper. nunciat ibi ...
principalis ... minoris etatis vel alia similia
quae nominet ... iure ...

Sicut et ... dictio universalis ... qualibet qualitate
... ut ... acquirat ...
... et quibus ... illa universalis ...
... ad ... etiam ...
... nunciatio ... et ...
... quod dicatur ...
... augmentum ...
... ultimo ... quod in terminis ... qualibet ...
... dictio ... simul ...
... simul ... Sed l. ... qualiblet
qualibet

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in no
tractat. [illegible] [illegible] Quilibet: in l. [illegible] Omnes in fine
[illegible] tenet, quod aliud est dicere [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] nam [illegible] quilibet
unusquisque et [illegible] actum, de quo quemque [illegible] in solidum agere;
[illegible], et attribuit: sed verbo, Omnis, non attribuit, sed distribuit,
ut notatur in d. l. plura: [illegible] [illegible] [illegible] [illegible] etiam in his
[illegible] [illegible] [illegible] [illegible] agnatis in solidum [illegible] gradum
[illegible] vindicant, [illegible] alter [illegible] [illegible] [illegible].

[illegible] quod [illegible] [illegible] notata [illegible] in [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible]: § 12, n. 2 3 4. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] secundus [illegible]
tenet, [illegible] [illegible] [illegible] mille manus, [illegible] quia [illegible] vendicandi
est [illegible] [illegible] [illegible] [illegible] prout et in casu de [illegible]: arg.
[illegible] [illegible] [illegible] ff. de ser. [illegible] [illegible] [illegible] [illegible]
l. [illegible] § [illegible] [illegible] ff. de [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] minoris et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] unde [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] vendicare [illegible]
[illegible] denuo alienet [illegible] [illegible] vendicare.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] § de [illegible], [illegible]
[illegible] [illegible] in l. cum usufructus: ff. de [illegible] et ideo
[illegible] [illegible] [illegible] [illegible] in solidum [illegible] [illegible] [illegible]
l. [illegible] ff. [illegible] [illegible] et idem [illegible] [illegible]
ut [illegible] in solidum [illegible] [illegible] [illegible] [illegible] in consilio
[illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] termino
generali, [illegible] [illegible] [illegible] [illegible] [illegible] familiae [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible];
[illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ff. de [illegible] [illegible].

Ubi quis proximior [illegible] Remotiori [illegible] conveniendus, et si remotior [illegible] ab eo [illegible] acta [illegible]

Vide Peregrin. [illegible] Decis. 22 n°. 4. 5. et [illegible] qui [illegible] Affranium

[illegible] Affranium quod ille, qui est primus gradu quandocumque veniat, sit [illegible] quamdiu [illegible] nisi veniat [illegible] mora [illegible] quia [illegible] aliquid [illegible] integre [illegible] omnibus, et veniens in terminis [illegible] tempore [illegible] admitti [illegible] termino [illegible] ulterioris [illegible] in [illegible] in [illegible] de anno 1570 [illegible] et [illegible] bona [illegible] vendita [illegible] et [illegible] eius [illegible] adducendo [illegible] habuit [illegible] et [illegible] gradus [illegible] habere [illegible] quia [illegible] qui [illegible] prior [illegible]

[illegible] Fragosi [illegible] loco cit. n°. 3. quod proximior [illegible] contra [illegible] antea [illegible] remotior [illegible] conditione [illegible] proximioris [illegible] proximior [illegible] in [illegible] et [illegible] de [illegible] [illegible] [illegible] [illegible] ab illo [illegible]

[illegible]

9. 11

[illegible] in familia [illegible] vi-
[illegible] extra familia
[illegible] suo, vna alienari
[illegible] utriusque vni ex familia
[illegible], quod licet ius retradendi seu retrahendi [illegible]
[illegible] extraneo, non ex eadem propinquo, et divino,
[illegible] Paul [illegible] in [illegible]
[illegible]
[illegible] se [illegible]
Vide Cavalc. Rain. cons. 27. n. 12. [illegible] 4. [illegible] 28. — et Matth. de Afflict. de [illegible] dec. [illegible] 55. [illegible] n. 44. — [illegible] vendendum et [illegible] [illegible] quando
[illegible] proximiores in retradendo ab extraneo,
in quo vna [illegible] quo [illegible] gradibus
[illegible] gradus [illegible] infra terminum, de quo in [illegible] diximus,
[illegible] temporis [illegible]
[illegible] ab illo extraneo, non
[illegible] proximioris gradus [illegible] distincte
[illegible], quod [illegible] [illegible] quando [illegible]
[illegible] et [illegible] terminus [illegible]
[illegible] alijs minus proximis, qui retrahentes [illegible]
[illegible], at [illegible]
Bald. in l. 1. Cod. de [illegible] [illegible] admittantur [illegible] a [illegible]
[illegible] tertio a principio tamquam de familia, quia
[illegible] cum non [illegible] proximiores [illegible]
[illegible] non [illegible] in proximiores [illegible]
[illegible] terminis, [illegible] eadem [illegible]
In Cons. [illegible] Senens. dec. 5. 23. n. 5. 14. fol. mihi 74. — que quidem [illegible] et [illegible] vna [illegible]
[illegible] illis a familia [illegible] esse [illegible]
Circa illud [illegible]
[illegible] quandoque dubitari posset [illegible]
[illegible] et [illegible]
4. [illegible] [illegible] sententia, in [illegible] olim declarand. [illegible] non
[illegible] habere omnino;
[illegible] 1570. 8. Aug. [illegible]
[illegible] Thoma [illegible] Cremona.
9. 11. n. 15, 16, et [illegible] n. 19 — [illegible] 18. Februarij [illegible] Aloysij [illegible]
[illegible] filius [illegible] Joannis Baptiste

31

Coniij:

Hec

in alia 1568 3. Iulij in aud. ex actis Cancellariae inter Antonium ... et Leonardum ...

...

Hac inveterata Consuetudine, ... observata, quod immo ... in Regno ... et die ...

... manu ... 1519 inter ...

... multa alia ...

in practica servata.

Quanti temporis sit hec praescriptio, et inna... ... Quandocum. Hec

... praescriptio, quae venit ... sed etiam ... annorum ... contra ... ut dicitur quandocumque ... quando est enormis ... ultra dimidium ... ad ... 30 annorum ...

Res ... per spatium 2 annorum inter ...

Vide

[illegible] in [illegible] quod [illegible]

[illegible] ita [illegible]

[illegible] aum. 15 [illegible]

[illegible] non [illegible]

[illegible]

[illegible] 4. de contrad. [illegible]

[illegible] uendicare [illegible]

[illegible]

[illegible] uenditionis [illegible] maius [illegible]

[illegible]

[illegible] emat [illegible]

[illegible] actione ex empto [illegible] emancti [illegible]

[illegible] 4. de [illegible]

[illegible] Paul. [illegible] 13. [illegible]

[illegible]

[illegible], et ubi dicit, quod [illegible] modo ex [illegible]

[illegible] in [illegible], quo [illegible] semper minoris [illegible], ut [illegible]

[illegible] rem immobilium [illegible] uendiderit, [illegible]

[illegible] ad redimendum illam [illegible] pro 50 [illegible] aureis,

an ego [illegible]

tenear [illegible] quod [illegible] maius, [illegible]

[illegible]

18. [illegible]

[illegible] sive maius, sive minus sit [illegible]

[illegible]

[illegible]

[illegible] 4. de actione empti et [illegible]

[illegible] quod [illegible] uenditionis

[illegible] actione quam [illegible]

[illegible] uendita [illegible]

[illegible]

[illegible]

[illegible]

[illegible] in [illegible] contenta [illegible]

[illegible] et exercendo, et eo continuo [illegible]

[illegible]

[illegible] et ideo tenetur ad maius pretium quia [illegible]

[illegible]

l. Mater. §. final. ff. de except. rei iudicat.

[illegible]

cessio non est necessaria, quia ius exequendi [illegible]

transit in singularem successorem sine ulla cessione [illegible]

[illegible] Vnde est ius [illegible]

[illegible]

[illegible] habet [illegible]

[illegible]

[illegible]

[illegible] titulo [illegible] eundem tenetur [illegible]

[illegible] et [illegible]

[illegible]

[illegible]

[illegible] emptori [illegible]

separatam in diversam, et sicut [illegible]

[illegible] emptori [illegible]

[illegible]

[illegible]

[illegible]

[illegible] considerando, et considerando in [illegible]

[illegible]

[illegible]

[illegible] ubi singula [illegible]

[illegible] tenetur vendere emptori

[illegible] separata [illegible] pretium.

[illegible] quod emens [illegible]

cuta mediatione ... ... recuperato ... adiungeretur
... maia expendita ex necessitate
... ita Bart. in L. de bene,
ff. de edilit. edict. ...

De tempore, quo fiat estimatio rei uendite:

... Estimatio rerum uenditarum ... in ... ultra dimidiam
... consideratur ... in L. ... de rescind. uendit. et cognoscitur
inspectis uenditionibus locorum uicinorum uenditarum existentium
... uero ex communi estimatione
... considerari ... de fur.
... unde ... ... in ...
... communi
... affectione, res ueniat estimanda,
... de rendum.
... communis estimationis ... curatores ...
... de fur. comm. imperand. et ... et ...
... et estimatores ... concordarent ... deputari
... et
... idem ... estimatores ... deponent
... contractus ... L. ... in fine
... inter economum ...
... Testibus ... ualuerit et forsan ...
... et ... simile
... uideri ... Bart. in ... L. 2. ...
... estimatio ... ,
et ... uenditionis ante et post ... communi ...
... communi estimatione
... ... uenditionis ...
uenditionis, et ... ante, ... conueniat comm. uend. ...

...

[illegible] Bart. [illegible] in immobilibus [illegible]

[illegible] aliis, quae consistunt in n° pondere, [illegible]
[illegible] fieri [illegible] vide [illegible]
[illegible] ad L. [illegible]

[illegible] ut in Libris et similibus [illegible]
[illegible]

[illegible] cum tamen [illegible]
[illegible] Bart. in [illegible]
[illegible] dicant,
cum illo [illegible] valuisse [illegible]
[illegible]
[illegible]
[illegible]
[illegible] in illo, quod quilibet de se ipso
[illegible] quia [illegible] aequalis
[illegible]
[illegible] Bart. in [illegible] in [illegible] n° [illegible]

[illegible]
[illegible] 15. et plus, quia non determinat illud aliud, non [illegible]:
[illegible]
[illegible] n° 26.
[illegible]
[illegible]
[illegible]
in L. item. §. [illegible] ff. de arbitr. [illegible]

[illegible]
[illegible]
[illegible] ~~[illegible]~~ [illegible]
[illegible]
[illegible]
[illegible] [illegible] determinatione
[illegible] quia [illegible]

[illegible]

[illegible] accidentaliter [illegible] per contingit [illegible]

[illegible] similia occurrant [illegible]

[illegible] pluribus [illegible]

[illegible] n.o 28. in fine col.

[illegible] dicens [illegible]

[illegible] communem et ad communem [illegible]

[illegible]

[illegible] qui contrahentur hinc, talia

[illegible] et

[illegible] vers.

[illegible] et talia [illegible]

[illegible]

[illegible] aute [illegible]

[illegible] quia [illegible]

[illegible]

[illegible]

[illegible] Rerum [illegible]

In hoc articulo [illegible] ut refert [illegible] in [illegible]

[illegible]

[illegible] Municipalis amittant, [illegible]

[illegible] in [illegible]

[illegible] communi [illegible]

[illegible] contra [illegible]

[illegible] alia [illegible]

[illegible]

[illegible] efficit [illegible]

[illegible] ne [illegible]

[illegible] et [illegible]

[illegible] amittat beneficia [illegible] et [illegible] Comm.

[illegible]

[illegible] et [illegible] in suo [illegible] in tit.

[illegible] in [illegible], quod non

[illegible]

Leges Civiles Ser.me Reipublicae [illegible] civibus [illegible] et [illegible]

In Ven.: Dominij: a Fidelis factis non est locus [illegible] Aquisitorij: [illegible] et hoc speciale est [illegible] ut [illegible] de Iure Feudi lib. 6: tit. 4 n.o 19 — fol: 89: [illegible] in hoc individuo [illegible]

[illegible] agnationis, ratione cuius competit Retractus [illegible]
[illegible] Iuribus et Rationibus ibi allegatis [illegible]

An Venditor ipse, rem [illegible] retrahere possit venditam.

[illegible] dicendum, quod sic, quia [illegible] consanguineus [illegible] cum sit [illegible] quia est sibi propior, et proximior quam alius nemo, ut per Bald. in Cons. [illegible] nec non est, quia [illegible] quae [illegible] ut bona in familia conserventur, et in illo [illegible] familiam proximior [illegible] militare.

Contrarium [illegible] obstante doctrina Paul. de Castro in l. filius fam. [illegible] [illegible] facta prohibitione alienandi [illegible] [illegible] familia [illegible] [illegible] potest retrahere, aug. [illegible] Quemad. [illegible] [illegible] facit text. in § ex hoc ed. [illegible] si quis alienaverit, deinde recuperit, [illegible] facta [illegible] venditor ad Retractum [illegible] quia [illegible] actio [illegible] [illegible] et quia nemo retractus [illegible] [illegible] post [illegible]
Retrahi [illegible] facit [illegible] [illegible] retrahendum [illegible] non [illegible] mente [illegible] [illegible] testam. [illegible] et [illegible] et in his terminis concludit Roman. [illegible] Cons. [illegible] ubi [illegible]

Quod adeo verum est, ut si emptor voluntarie admitti et [illegible] ad Retractum, [illegible] Sabell. quia ad [illegible] in quo [illegible] alteri in praeiudicium [illegible]

[illegible]

Quidam in rub. in princ. et l. [illegible] ff. de fideicomm. libertat. nec
ponerent cum nemo iure suo augusto [illegible] sine facto, uel
culpa ipsius [illegible] id quod nostrum: ff. de Reg. iur. Quod
[illegible]
[illegible] de aqua [illegible]
[illegible] et [illegible]
[illegible] et 20.

[illegible] predictas in Cam. ut [illegible] Paul. de Castro in d.
[illegible] de [illegible] Quando esset prohibitio [illegible],
[illegible]
[illegible], quod [illegible] uendidisset, potest alienationem
esse factam contra prohibitionem statuti retrahere. L. 2. et [illegible]
[illegible]
et [illegible] contrarium [illegible] et [illegible]
[illegible] statuti [illegible] sit nullus, non tamen quantum
ad illos, qui contra [illegible] à n. 30 usque ad nu. 47 [illegible]
et [illegible] maior [illegible]
Limita etiam [illegible] 47. et 44. [illegible]
consanguineo, cui [illegible] alio extraneo uendat [illegible]
[illegible] secundus poterit retrahere [illegible]
emptore [illegible] in [illegible]
[illegible]

Si aliquis rem uendiderit extraneo, et agnatus
ab illo retraxerit, deinde [illegible]
[illegible]
et extraneo uenditam retrahere [illegible]

[illegible] in [illegible] questione in ultima limitatione, quod si quis uendidit
[illegible] nostra extraneo uendat, [illegible] emptor à [illegible]
[illegible] retrahere [illegible] illis [illegible] Tiracuell. in l. [illegible]
[illegible]
et agnatus ab illo retrahat, deinde alteri uendat, [illegible] emptor [illegible]
[illegible]
uideatur obstare [illegible] Bald. in cons. [illegible] 67. [illegible]

[illegible]

Vide [illegible] repetit in cons. suo 460. eod. vol. et hoc, quia [illegible]
[illegible], et mente [illegible] et [illegible]
quod sicut qd. testator prohibet, ne res alienet. nisi inter [illegible]
vel inter [illegible] et unus semel alienaverit alteri [illegible]
[illegible]
[illegible]
[illegible] alteram [illegible] deinde [illegible]
[illegible] tenuem. S. eundem. ubi [illegible] et [illegible]
[illegible] semel [illegible], et [illegible]
[illegible] locum habuerit, dum [illegible] agnato semel fuit vendicata
[illegible] postea vendat: amplius non potest, nec [illegible]
[illegible] et [illegible] in [illegible] semel [illegible]
[illegible] hoc sermone. S. Bones [illegible]
[illegible]
[illegible]
[illegible]
[illegible] alienata [illegible]
[illegible] renunciata [illegible] in patrimonio [illegible]
[illegible] in familia [illegible] indu[illegible]
[illegible] contrarium operari [illegible]
[illegible] de leg. [illegible] concordant. [illegible]
[illegible] in tit. [illegible] Lignagier. S. 32. [illegible]
[illegible] et [illegible] 26, in qua re [illegible]
[illegible] quia [illegible] maiores. vel similibus [illegible], ex
[illegible] appareat bona [illegible] conservari in familia, ita [illegible]
[illegible] semel vendita [illegible] alienam [illegible]
[illegible] ab alio agnato [illegible] vendirre, ut [illegible]
[illegible] acquisitiva [illegible] in alien[illegible]
[illegible]
[illegible]
[illegible]
num. 8. et 9. [illegible]
[illegible]
[illegible]
[illegible]
[illegible] in L. filiusfam. S. [illegible] circa materia
[illegible] de leg. [illegible]

An venditor teneatur de euictione, si emptor retradit.

[illegible] qd venditor nō teneatur de euictione [illegible] et non est venditionis [illegible] retradit, quia [illegible] ideo euincit [illegible] unde venditor nō tenet, ut not. in L. minor in [illegible]

de euict. c. [illegible] retradendi contra emanare [illegible]

[illegible]

in similibus aliis casibus venditor nō tenetur de euictione [illegible]

[illegible] euictione, vel retractum [illegible] in aliquem casum [illegible]

[illegible]

venditor nō tenet. [illegible]

Venditor restituere fructus [illegible]

[illegible] rem a se venditam [illegible]

[illegible] loco [illegible]

[illegible] in conditionali [illegible]

[illegible] et quid in [illegible]

[illegible]

et magis comm. [illegible] et distinctio in [illegible] gloss. unica. Quod [illegible]

rea vendatur in ea solum [illegible]

[illegible]

[illegible] in [illegible]

[illegible] quod agunt [illegible] in [illegible]

[illegible]

[illegible] in [illegible] tam ad

[illegible] ad modicum [illegible]

[illegible]

[illegible] Controuersias Varias.

[illegible] cap. 11. n.° 3 [illegible]

[illegible]

... ista, ... tenetur ... pr[ivat]is vendere ... non ...
iusto pretio: ita Bart. in l. pma. in fine C. de metallariis
et metallis. et procurat. metallorum lib. 6. ...

... Bald. cons. 300 ... ...
... caueat, quod liceat debitori, et rationabiles ... tale
... ...
... tale ... obligat ... vendere ...
... ...

[illegible] ... ...
... ...
et ille ... etiam ... ...
... ...
... ...
... ...
ad ... licet ... teneatur ...
... ...
... ...
... ...
... iusto pretio ...
... contrarius aliud ... nec ... ...
... ...

Si autem ... in aliend... ab alio ...
... vendens ...
... ...
... ...
... ...
... ...
... ...
... ...
... ...
... ...
... ...
... ...
... ...
... ...
... ...
... in ...
... ...

[illegible]

[illegible] statutum [illegible] [illegible] [illegible] vide [illegible] [illegible] stante lege communi in L. [illegible] [illegible] n° 59 [illegible] [illegible] ad solum proximior [illegible] [illegible] [illegible] conveniend. [illegible] in contrarium [illegible] statutum civitatis [illegible] [illegible] specialis constitutio [illegible] [illegible] valeret, et deber [illegible] [illegible] [illegible] [illegible] et sic [illegible] [illegible] veniend., et sic restringend. [illegible] tenentis favorabile esse tale statutum [illegible]

[illegible] sit [illegible] [illegible] et restringendi et tamen [illegible] commun. [illegible] intelligendis [illegible] [illegible] et [illegible] [illegible] statutum [illegible] [illegible] ut in L. 2 [illegible] cod. [illegible] et concludit [illegible]

ius Commune, et principaliter iudicandum ... contra [illegible]

[illegible] singulis ... contrarium ... Commune ... [illegible]

iuribus, et usibus, ut [illegible] ipsorum ...

Ita in hac materia [illegible] conqueri [illegible] dicimus [illegible]

[illegible]

[illegible]

[illegible] rationis, et antiquitatis [illegible]

[illegible]

[illegible]

[illegible] dicam, et referam ...

De Consilio [illegible] agnatis et vicinis [illegible]

[illegible] in Civitate [illegible]

Extant [illegible] super hoc de anno 1441. die 10. [illegible]

et de anno 1487. [illegible]

Cancellarius Foscari Duce Venet.

An ex emaltho super dicta consilio [illegible]

[illegible] [illegible]

[illegible]

In Patria Foroiulij de consilio [illegible], cum agnatis, et Vicinis

[illegible]

[illegible]

[illegible] Civitatis Austriae [illegible]

[illegible] contendentes ... constituentes, emeates [illegible] immo [illegible]

[illegible]

[illegible]

[illegible]

[illegible] Austriae [illegible] Patria [illegible]

[illegible]

in [illegible] questione principali [illegible]

[illegible] Itali[illegible]

[illegible] in Anglia [illegible] ubi [illegible] certa [illegible]
[illegible] [illegible] [illegible]
[illegible] quasi ne Res ibidem sitas sive a Cive, sive ab
[illegible] Anglia [illegible] in fine [illegible] de [illegible] honor. [illegible]
[illegible] de edic. [illegible] disponat circa cer:
[illegible] ad [illegible], nec extra Locum,
[illegible]
[illegible] de adopt.: Alex. in Cons. 6. [illegible]
[illegible] [illegible] [illegible]
[illegible] et localiter, quia [illegible]
[illegible] Autoritate Austria in totum [illegible]
[illegible] eatis in vendition[illegible], emptionibus;
[illegible]
[illegible] [illegible]
[illegible] aliis alibi sita [illegible]

[illegible]

[illegible]

[illegible] alienatas, nisi [illegible] sibi [illegible] pactum [illegible]
[illegible] [illegible]
[illegible] et
[illegible] Res [illegible]
[illegible]
[illegible] cum [illegible]

[illegible]

[illegible] [illegible] [illegible]

[illegible]

[illegible] ex [illegible] Carpz. Cons. [illegible] videtur dicendum [illegible] tacitum
[illegible] : Vol. 2: 3

An pacta [illegible] sendo [illegible] quint. [illegible] [illegible] generat. [illegible] § 26. [illegible] in Cons. [illegible] [illegible] 3. n. 1. [illegible] n. 42

paciscentis [illegible] ex [illegible] valere [illegible] in [illegible]
pignoris [illegible]

[illegible] dendo faciat [illegible] commune
[illegible] et [illegible]

[illegible] not. [illegible] Clem. cons. 823. incipit non [illegible] quod [illegible] consumere [illegible] hnet [illegible] cons. [illegible] vol. 5. et [illegible] vol. 6. ubi [illegible] not. [illegible] emptor [illegible] pacto [illegible] et [illegible] sint salva facienda ex [illegible] ad [illegible] ex [illegible] 306 in [illegible] ubi tenet, quod non valet pactum [illegible] [illegible] [illegible] communi quo [illegible] fuit introducta, non [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] etiam post [illegible] admittatur [illegible] cons. 838.

[illegible] insinuat quod ex pacto [illegible] commissorie [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] de recuperandis, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] de pignorat. action. [illegible] [illegible] [illegible] [illegible] [illegible] ubi alma [illegible] cons. [illegible] [illegible] [illegible]

[illegible]

Ad Verba illa Sive aliquod aliud Ius, quod habet In Re Immobili

Nota ad verbum intelligi de iure sive de pacto retrovendendi, quia pactum est ius ad rem. Tiraquell. de Retract. Convent. § 1. ... n.º 35 et 46. Et ex pacto oritur actio personalis, ut ex eod. Tiraquell. de Retract. Conven. § 1. gloss. 7 n.º 13 — non autem Realis, sicut de iure et actione Reali loquitur Constit. ... in re, quod vult dicere de iure, quod insit, seu in aliqua Re;

Differentia inter Ad, et In

Ad significat propinquitatem cum aliqua distantia —
In denotat intimitatem — , ut late Tiraquell. in suo tract. de Praepositionibus ... et Communiter significatio in dictionibus Ad et In — Et Tiraq. de Retract. lignagier § 1. gloss. XI. n.º 6.

Unde tene quod pacto retrahi non potest, (?) tamen Vicini tempore Venditionis pacti tantummodo ad possint admitti ad ipsius Retractum; sed Retractus sit pro Viciniis unum; ipso Venditionis sc. rei Immobilis, et quid?. Sicut et de Agnatis hoc idem valet alterutrum.

q
qd pactum non interveniat in Venditione.

Statutum hoc de Agnatis et Viciniis concordat cum Legibus Serenissimi Dominationis in Fine lib. Statutorum Venetorum: cap: 38, 39: et 40: fol: 105 et 106. et in alijs Locis eorundem Statutorum prout videtur est in Summario, Verbo, Lateani, et verbo, Propinqui.

Et sic Constitutio nostra concordat cum Jure Communi prout est Jus Vindem, iuxta doctrinam Peregrini Decis. 1. n.o 2. et Legibus, et ita statutum est in Constit. Retractus cap: 35

Quid si Agens urgente [illegible] Constitutionis [illegible] declarat

O pendente lite, relicto herede extraneo, an non Agnato [illegible] tario, an Instantia illa transmittatur in illum ad [illegible], etiam post [illegible] motum Judicium.

Vide id sic ex his que [illegible] in [illegible] ff. de iudicijs et in [illegible] hominum: ff. de fideicommiss. cum ibi traditis per Bart.

Verum in Contrarium facit l. si orelar. ff. de Operis libertorum; quam allegat Paul. de Castr. et [illegible] in [illegible] ff. ead. [illegible], et ibi [illegible] et dicta [illegible] Alex. in l. [illegible] constante [illegible] col. [illegible] matrimonio.

Tu vide Bald. de Afflic. in [illegible] quod her. [illegible]. §. 2. et [illegible] ubi loquitur in [illegible] agente, an transmittat [illegible] in heredem, et concludit, quod sic [illegible] congrui [illegible] cum [illegible], et [illegible] transmittitur ad [illegible] cum [illegible]; sed in [illegible] congrui separato a [illegible] quis non est [illegible] instituit [illegible] quod [illegible] non est transmis- [illegible] ex pluribus ff. de adminis. tutor.

Et uno verbo vide Tiraquell. de Retract. consang. § 26. gl. n. 1. n.o 3. ubi in terminis 4 n.o 37.

Et pro [illegible] vide Peregr. decis. 22: n.o 3. ubi [illegible] [illegible] in [illegible] de Retract. consanguin. § 26. [illegible] n. 4.

[illegible]

[illegible]
[illegible] vicarii, proferendis per [illegible]

[illegible]

[illegible]
[illegible]

Rubrica 95.

De possessoribus contra quos bona aliena sunt vendita compellendis ad constituendum se manutentores.

Adde tex. in [illegible] Eviction. quod emens bona alicuius [illegible] vendita [illegible] emptorem [illegible] compellit emptore agente, [illegible] exceptione. immo si alius vellet talem [illegible] [illegible] [illegible] [illegible] [illegible] ind. immo se dt constituere manutenere, ut in ea Rubrica.

Rubrica 96.

De manutentionibus recipiendis nomine emptoris

[illegible]

[illegible] ramior: e menbor: opera ad incarnem considerandam [illegible]

ad orchi [illegible] unionem

[illegible]

[illegible] nui ad [illegible]

lando [illegible] [illegible]onibus [illegible]

[illegible]

[illegible] quam fuerit uenditta [illegible] [illegible]
[illegible]
[illegible]
[illegible] remittere [illegible]
[illegible] multis adduci [illegible] tenentes; et [illegible]
[illegible]
[illegible]
[illegible]

[illegible] 1558 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

tit.o 101

De Venditoribus [illegible]

[illegible]

[illegible] ex [illegible]

licentia [illegible]

[illegible]

[illegible] dare licentia creditori, ut [illegible]

[illegible]

[illegible]

Stamus [illegible]

[illegible]

[illegible] et en [illegible] et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

et l. [illegible] regni. Ego. Domini. in [illegible]

[illegible] 174.

[illegible] Valle [illegible] n.o [illegible]

[illegible] in [illegible]

[illegible]

[illegible]

[illegible]

[illegible] quilibet [illegible]

[illegible]

esse [illegible] appellationibus, et [illegible], quod in

ratis, commissionis: ac [illegible] ponans: incipiendo a immuni
damnis [illegible] fiat, tales exe-
cutiones [illegible] reuocans. [illegible] istis uide notab. Bart.
in L. a diuo [illegible] in uendit. [illegible]
[illegible] in [illegible] alio. [illegible] alis [illegible] negat.

Resp.º 1012.

[illegible] qui [illegible] contradictione [illegible]
[illegible] aliquorum [illegible] adiucando

Capitulo 103

[illegible]

[illegible] per eos ex conuenientie [illegible]

Capitulo 104

De caminis [illegible] regiones [illegible] cauendis

Registro 105

[illegible]

Registro 106

[illegible]

[illegible]
in qua concedit [illegible]

Registro 10[illegible]

... non inferas a me

et felicitatis ... in principio huius nri ... et in

... de ... ne se ... dominia in incerto ...

... et ... negligentia

...

maioris · nu: 2 · H: Al: Reg: ger

... tempus continuatio ... in ... gratia; tam

... quia ... et ... Bou

...

... interueniente, quod ... firmatio

... probato · Corn: in Cons: 10: nº 8 · uol: ...

{ ... continuationem tamen

... ualeat:

... in L: omnes populi: ... nu: 24 · ibi etiam

...

... nu: 6.

... et ... impediri

... contestatione: ita ... in fine: ...

... uide ... in ... folio ubi

... in fine.

An ... praescribantur:

... de anno 1424 : 14 : July

...

...

... quaestum.

...

ae iure primi in aliis curiis in Romana, [illegible] [illegible] est [illegible] in Romana [illegible] et ita Curiae ad [illegible] in Curiae, [illegible] etiam in Romana [illegible]

Rub.a 108.

De Rebus quibus alienatio est interdicta.

Rub.ca 109

[illegible] ... [illegible]

[illegible] Comune et [illegible] [illegible] [illegible] cum
[illegible] [illegible] quam [illegible] [illegible] filius [illegible]
[illegible] [illegible] et lex Deuteronom. [illegible] in vers. [illegible]
[illegible] [illegible] filium contumacem quia pater [illegible]
[illegible] eum careri [illegible] [illegible] qd. ac [illegible]
et in § 1. instit. de his, qui sunt sui, [illegible] alienum iur.
[illegible] ad pater [illegible] [illegible] [illegible] [illegible]
dilapidavit in ludis, et similibus. Vide [illegible] in [illegible] 109.
[illegible] [illegible] Et quod alimenta [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] vide [illegible]
[illegible]

[illegible] [illegible] [illegible] [illegible] Minores errantes [illegible]
[illegible] absolutas exigat [illegible] [illegible]
et ibi [illegible] emend. propine

[illegible]

[illegible] XI

[illegible]

Vide Stracch. de [illegible] annis [illegible] iudicio [illegible]

Cons. [illegible] 18 [illegible]

[illegible] maiore [illegible] Vide L. [illegible]

[illegible] maior factus alienationem factam sine [illegible]

[illegible]

[illegible] 418.

An ista constitutio locum habeat in compromisso.

[illegible]

[illegible] compromissum esse quandam alienationem

et ideo prohibitum alienare [illegible]

[illegible] de leg. [illegible]

[illegible] ad alienationem

[illegible] factam [illegible]

[illegible] cons. [illegible] 1612 [illegible] vol. 5 [illegible] cons. 98 [illegible] vol. [illegible]

Ratione statuti

[illegible] ratio [illegible] constitutionis [illegible] masculi [illegible] mulieres minores [illegible]

[illegible] una [illegible]

[illegible]

[illegible] non

[illegible]

[illegible]

[illegible] proximioribus [illegible] maioribus

[illegible] nulla

[illegible] proximiores [illegible] diligentes

videantur [illegible] et [illegible] omnis [illegible]

[illegible]

Margin notes: [illegible] maiore [illegible] compromissum factam [illegible] minore [illegible] solemn. [illegible] de [illegible]

[illegible] et [illegible] [illegible] [illegible] L. [illegible] [illegible] in [illegible]
[illegible] [illegible] etiam [illegible] Meris generalis; de quibus in
[illegible] quae onerandae [illegible] quae [illegible]

A idem operis [illegible] [illegible] [illegible]

Consanguineorum

[illegible] in [illegible] [illegible] [illegible] Prohaita
emptionis: ff. de cond. indeb. Anque et [illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] cert: tenet et [illegible] si quid in [illegible] eodem [illegible]
[illegible] tenent [illegible] Quoniam ea, quae [illegible] in
[illegible] acquisitis quam [illegible] [illegible]
[illegible] [illegible] ex presentia Gudius, de quibus
[illegible] in aut. noviss. [illegible] [illegible] et in [illegible]
[illegible] et [illegible] ff. de [illegible] et [illegible]
e [illegible] provenientes ex [illegible] [illegible] et [illegible]
[illegible] in [illegible] ff. de acquir. [illegible] [illegible]
[illegible] [illegible]
[illegible]
[illegible]
[illegible]
[illegible] in Consuet. [illegible] [illegible]

[illegible] [illegible] [illegible] intervenient [illegible]
[illegible] [illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
ff. de [illegible]
[illegible]
[illegible]

[illegible]

qui sciant ditare, eum diligentiores, quam illi, qui sunt Remotiores, ut
iure per bas. alleg. in d. L. non solum; Et credendum est, quod
[illegible]
verba et simplex prolata in lege, nisi in casibus dnt intelligi
[illegible] non [illegible] adversus: L. qui Liberis §. Ege verba, ubi bas. [illegible]
[illegible] et quill. et L. vbi Legatum. et ibi. Bar. §. de leg. 2. 18. vide
Iasone in d. L. non solum [illegible]
[illegible]
Comm. Consilii Lib. [illegible] a n. 5 [illegible]
Dona clausula [illegible] curatore caren. [illegible]
uia ac [illegible] minor 25. a. [illegible]
[illegible]
minores [illegible] [illegible] [illegible]
[illegible] [illegible] dixerat [illegible] restitutionem, [illegible] statutum
[illegible] abilitari personam 18. ann. ad contrahendum et ad [illegible]
[illegible] et nu. 13. ait, statutum negante minori 18. ann. ille
[illegible]
Hoc [illegible] et [illegible] statuto videatur prouidere fragilitati minoris
[illegible] annos [illegible], et subinde, quod post d. [illegible] contrahere
possint, [illegible]
statuto, [illegible] ad statuti annorum 25. solvent petere restitutionem:
[illegible] [illegible] 370. incurrit [illegible]
[illegible] quod [illegible]
[illegible]
Vide et Alex. cons. 77. vol. 7. ubi plura singularia.
Lauret cons. 18. n. 2, et [illegible]

Rub.ca iii

[illegible]
alienare [illegible]

[illegible] ex causa necessitatis valet et si sit [illegible] [illegible] 1357 [illegible] 142 [illegible] Romanam [illegible]

Rub.ca iiii

[illegible]

[illegible] 12 [illegible] 1505 [illegible]

[illegible] [illegible] concedentes [illegible] [illegible] in [illegible] maior [illegible] [illegible] [illegible]
[illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] inequalitas, [illegible] in [illegible] [illegible] communium [illegible]

[illegible]

[illegible] non [illegible] conveniri ante executionem bonorum mobilium [illegible] immobilium debitoris principalis.

Quando et [illegible] executio [illegible] debeat antecedere contra [illegible] [illegible], aut [illegible] bonorum [illegible] procedatur.

Vide in [illegible] consilio [illegible] de Valle in consilio [illegible] [illegible] vol. [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] renunciasse [illegible] beneficio [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] in [illegible]

[illegible] in [illegible] [illegible] [illegible] [illegible] cum [illegible]
[illegible] [illegible] principalis [illegible] [illegible]
[illegible] et eo [illegible] descendatur ad fideiussorem
[illegible] absens, tunc [illegible] et [illegible] loco conveniri fideiussor

[illegible] sed in solidum [illegible] in quo fideiussor etiam ad [illegible] ob-
[illegible] ad [illegible] beneficium excussionis [illegible] Creditor [illegible]
[illegible] et [illegible] comparatione, ita [illegible]
[illegible] in [illegible] exceptione [illegible] [illegible] et [illegible]
[illegible] extra [illegible] [illegible] Manil [illegible]
[illegible]
[illegible] nouiss. [illegible] de duobus reis totum continent [illegible];
[illegible] clausula in solidum, nisi [illegible] de [illegible] omnes [illegible]
[illegible] et soluendo [illegible] autem nostra [illegible]
[illegible] et [illegible] clausula in solidum, operetur
[illegible] pro toto creditor agere contra [illegible]
de [illegible], ita [illegible] in [illegible] declarantes, in quo
[illegible] quod fideiussor ad [illegible] conuenire
[illegible] excussione [illegible]
[illegible] se obligauerit in solidum [illegible] reum cum principali
[illegible] debitorem
principalem [illegible]
[illegible] de [illegible]
[illegible]
[illegible] se fideiussorem talem debitorem, in quibus
[illegible] creditori conueniens [illegible]

[illegible]

[illegible]

[illegible] agere [illegible]
[illegible] non debitor [illegible]
[illegible]
[illegible] Condemnare autem fideiussore iniuste
[illegible] principale [illegible]
[illegible] in solidum
[illegible] notat in [illegible] mandati

[illegible]

[illegible]

Rubrica 115

[illegible] ... [illegible]
facienda

[illegible] ... allegare [illegible] ... [illegible]
[illegible] in L. [illegible] ... [illegible]

Rub.ca 116

[illegible] ... [illegible]
electione

[illegible] in L. [illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... Vide [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] in [illegible] de [illegible] communi [illegible] ... [illegible]
[illegible] ... [illegible]

Vide Menoch. de arbitr. [illegible] ... n° 2 [illegible]
Guid. Pap. decis. 102

[illegible] ... [illegible] ... amo ut dicebam, in quibus fideiussor de iure [illegible] agere ad sui liberationem antequam solvat [illegible] dilapidare bona sua debitor coeperit [illegible] ...
[illegible]
in obligatione, quod quum sit diu, iudex arbitrab[itur] [illegible]

R. 107

Lib. 118.

C. Ultimis Bonorum Conditoribus

Nota unum [illegible] notabile [illegible], habes duos obligatos in solidum, [illegible] executionem contra unum, an [illegible] [illegible] ad ultimos [illegible], vel [illegible] etiam alium executere. [illegible] Bart. in [illegible]. Et lex valde notabilis [illegible] Consetus [illegible] que [illegible] 17. [illegible] promittendi:

[illegible] quando creditor agit ex generali [illegible] [illegible] illud dimittere [illegible], [illegible] ager [illegible] quia [illegible] [illegible] [illegible] in [illegible]

Nam [illegible] Communi [illegible], quia [illegible], et recipere [illegible] ius Commune, [illegible] interpretationem [illegible] Communi [illegible] qua opinione [illegible] notat [illegible] in [illegible] et si quis in [illegible] de [illegible]

Et ultimis [illegible]

[illegible]

[illegible] uxoris capi ad [illegible], et capiens [illegible] [illegible] et in [illegible]

[illegible] heredes [illegible] de [illegible]

[illegible] conve[illegible]

[illegible] in Matrimonio [illegible] [illegible] uxores [illegible]

[illegible] copula [illegible]

Vide Menoch. cons. 100. per totum, ubi [illegible] congeri ad dare [illegible]

Vide et in [illegible]

In quod maritus, qui non [illegible] uxore, nec [illegible] non [illegible] ex statuto [illegible] ex [illegible] [illegible] falso intellectam [illegible] Bald. cons. 290. Vol. 5. [illegible] vir non.

[illegible] in [illegible] in L. [illegible] de [illegible] cons. [illegible] quaestio nu. 140. ubi plura not.

An Actio de Dote promessa spectet ad Uxorem, vel ad Virum.

[illegible]

[illegible] [illegible] dotem, ad sibi, sed marito contra
[illegible] [illegible] [illegible] aceo. & Bald. in summ.
[illegible] [illegible] agit maritus non mulier: [illegible]

[illegible] [illegible] inter [illegible] et uxorem de lucrando aliquam
portionem dotis [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] conditione. et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] parte mortis
[illegible] [illegible] [illegible] [illegible]. et [illegible]
[illegible] [illegible] [illegible] filio [illegible] [illegible] anno
[illegible] [illegible] [illegible] [illegible] [illegible]

Num. 120.

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] largo modo sumpta [illegible], et sic etiam
[illegible] [illegible] [illegible] [illegible]

[illegible]

Lucrandi portione dotis, illo casu esse
[illegible] [illegible] [illegible] [illegible]
[illegible]

inopia (qd est si non attingat metas 100 aureorum seu 5. [illegible]

[illegible]

[illegible] ex illa dispositione

[illegible] de [illegible] [illegible]

[illegible] omnino [illegible]

[illegible]

[illegible] permittatur [illegible]

[illegible]

[illegible] matrimonio [illegible]

[illegible] sic exigenda [illegible]

[illegible]

[illegible] in Comm.[illegible]

An [illegible] facta a Viro ex [illegible], de aliqua parte dotis habita a muliere in [illegible] debeat [illegible] post eius mortem ad filios [illegible] matrimonij, ita ut illius fueri [illegible] ~~[illegible]~~ sic facta [illegible], ac [illegible] ipsius Viri, adeo [illegible] 2.[illegible] [illegible] sit eius [illegible] in filios [illegible] matrimonij:

Vide [illegible] post tabulam Rubricarum pag. [illegible]

[illegible] dominium [illegible] generaliter [illegible]

[illegible] matrimonii [illegible] aliqui [illegible]

[illegible] similiter [illegible] et adducunt

[illegible] de secundis nuptiis [illegible] expresse

[illegible] matrimonio filiis, ad [illegible]

[illegible] matrimonii [illegible]

[illegible] matrimonii [illegible]

[illegible] ad vitam illius [illegible]

[illegible] unde non distinguendis [illegible] dote [illegible]

[illegible] quid ultra [illegible] imputare [illegible]

[illegible] filii [illegible] aliquid

[illegible] dotis [illegible] quod

[illegible]

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De Alimentis uxoribus viduis [illegible]andis

[illegible]

[illegible]

[illegible] mulier [illegible]

[illegible]

alim. [illegible]

[illegible] matrimonio [illegible]

[illegible]

ubi [illegible] de [illegible]

[illegible] in [illegible] ex [illegible] actione [illegible] divortio [illegible] matrimonio, [illegible] in [illegible] terminis [illegible] quod [illegible] [illegible] in [illegible] divortio et [illegible] alleg. auct. [illegible] unde vir et [illegible] habere [illegible] etiam [illegible] quarta ex [illegible] in [illegible] auct. [illegible] examinatam [illegible] qualiter in marito [illegible] si non [illegible] de [illegible] in d.a auct. n.o 5.

[illegible]

Ad [illegible] nubens [illegible] anni [illegible]
[illegible] lucrativo [illegible],
[illegible]

Vide [illegible] contra [illegible]

Nil [illegible] in [illegible] [illegible]
[illegible] mulier nubens intra annum [illegible] et [illegible] Ratione [illegible] sanguinis commixtio et [illegible] [illegible]

[illegible] in [illegible] et [illegible] [illegible] mulier [illegible] legem [illegible]

[illegible] cont.
[illegible]
L. conarum [illegible]
C. [illegible]
et [illegible]
num. 8. [illegible]
[illegible]
Hoc [illegible]
Hoc [illegible] quod mulier [illegible] [illegible] [illegible] [illegible] [illegible] Adverte [illegible] Canonicus [illegible]

[illegible] in infamia [illegible] et in cap. 5.
[illegible] et meruit [illegible] Summus Pontifex decernit: Cum secundum
[illegible] Apostolum, mulier, mortuo viro suo, ab eius sit lege soluta
[illegible] in [illegible] liberam [illegible] facultatem
[illegible] non det, legalis infamia [illegible] post
[illegible] [illegible] super [illegible] subiaceat: [illegible]
[illegible] cum in [illegible]
[illegible] singulares [illegible] non [illegible] [illegible] imitari

[illegible]

[illegible]

[illegible] in raconstitutione in vers. [illegible] quod [illegible] ab initio dos
constituta in [illegible] [illegible] in [illegible]
[illegible] modo [illegible]
in [illegible] et [illegible]
[illegible] mobiles [illegible] emit. an [illegible] statim [illegible]
[illegible]
[illegible] 145.
[illegible]
[illegible]

[illegible] in [illegible] constituta, et data, [illegible]
[illegible]
[illegible]
[illegible] sic [illegible]
[illegible]
[illegible] n. 2. 76. C5.
[illegible]
[illegible]
non [illegible] soluta [illegible]
[illegible]
[illegible]
soluta [illegible]
[illegible]
[illegible]

Vide [illegible] cap. 14 [illegible]

[illegible]

113

An in divisione inter fratres simul cohabitantes, dos uxoris unius ex ipsis fratribus, quae fuit tradita eo tempore, quo vivebat pater eorundem in eadem domo; sit deducenda de facultate communi, an vero de portione fratris coniugati?

Vide Matth: de Afflict: dec: 308: per totum:

Michalorium tract. de fratribus [struck: ~~analiis~~] part: 2: cap: 28: ubi distinguit in casu dotis constituendae filiabus unius ex fratribus in communione viventibus, et concludit dictas filias dotandas esse de facultate communi, et in casu restituendi, et exigendi dictas dotes.

Vide eundem Michalorium cap: 8: num: 14 — parte prima

Vide Stat.a Veneta, lib: 1: cap: 58: fol: 27: t.o et 28:

Item: lib: 4: cap: 24: fol: 72:

Et eod: lib: cap: 25: fol: 73: t.o, et 74 —

filia: patre vivo non potest dimandar la dote

de eius f. si eius dotem, 23: § transgrediamur

ff: solut: matrim.o —

Item il padre deve dar la dote alla figliola nora.

Rub.a 129.

De Divisione Fructuum Dotis soluto matrimonio

D[illegible] ex fundo dotali [illegible] [illegible] Matrimonium, [illegible] [illegible] [illegible] [illegible] [illegible]

Vide glos: ibi, in ult.o tempore portione.

[illegible] lib. [illegible] de [illegible] et usufructu.

Et l. pro omnibus [illegible] dot. et [illegible]

ff. solut. matrim.o et §. ex his in fi. Cod. de rei uxor. actio.

Et l. de

et L. de divisione et L. fructus: ff. sol. matrimonio ... ut d. L. fructus ...

... et ... de pen. ...

... ex ... de ...

Mortuo beneficiato, an, et quando fructus debeantur successori in ben.º et quando heredibus defuncti. Vid. Covarruv. Variar. Resolut. lib. 1. cap. XV. n.º 12, et sequentib. pag. mihi 85. Barbos. de off.º et potest. Episcopi, allegat.ne 117. ff. toto, pag. mihi 744 —

Quaestio 124

De forma in Alienatione bonorum Dotalium ...

... maritus ... bonorum paternorum, et maternorum ... dicti ...

... non ... in ... et ... ex post facto ... cons. ... nu. 7. et 8.

Nota quod si non est mulier affines ... in Cons. 151. nu. 4. vol. 4

Post longum tempus a die obligationis ... solemnitas, et ... intervenisse. Alex. cons. 23. ... vol. 2.

Et si fuerit decennium ... intervenisse consensus proximorum ... presumptio ... cons. 1. ... nu. 11.

[illegible]

Vide Dec. cons. 124.

[illegible]

... Ville cons. 15 ... et 4 ... vol. 2

... statutum ... alienatione ... Mulieris, que non sint ... Italia.

Quod non. Alex. cons. 19. nu. 9. et X. vol. 6.

... esse ... Mulieri, que contrahat.

Ruin. cons. 75. in fine. vol. 3. tenet quod sic

Nota quod ... de qua in Const. alienatio vel obligatio ... intervenisse.

... Statuto ... in Padua.

Vide ... in L. etiam ff. de fundo dotali.

Quod solemnitas in hac Constitutione ordinata, ut habetur [illegible] [illegible] contrahere matrimonium committi [illegible] [illegible] [illegible] ordinari potest a similibus minoribus, sequendum in casu minoris [illegible] 242. [illegible]
[illegible] ex eo, quia mulier [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quae est [illegible] [illegible] [illegible] [illegible] et [illegible] generaliter [illegible] de [illegible] Vellian. cum aliis ibidem [illegible] allegatis.

Vide videlicet consilium [illegible], cons. 242: Citato Vol. 3: [illegible] et [illegible], ubi [illegible] quod minor potest ex[illegible] causa dotis sine Judicis decreto, cum et auctoritate curatoris [illegible] obligari.

Vide omnino [illegible] Statuto [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] per decreto Judicis [illegible]

[illegible] Rubrica [illegible]

De Vestimentis et aliis Ornamentis Dominarum, et [illegible] ceteris quae secum portant ad Maritum, [illegible] Donatis tempore Nuptiarum.

[illegible] Non servatur haec Constitutio, immo haec vestimenta [illegible] [illegible] semper [illegible] indicantur, et in diversis Casibus, et temporibus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Mariae [illegible] manu [illegible] Bertrandi Calderini [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Andreae [illegible] Bellini [illegible] [illegible] [illegible] [illegible] et una vestimenta, [illegible] [illegible] [illegible] [illegible]

Anuli, Vestes, et alia Ornamenta quando censeantur Sponsa, uel Uxori donata.

[illegible] 166 [illegible] cons. 10. nu. 11. uers. de [illegible] uol. [illegible] cons. 5. [illegible] cons. 2 [illegible]

[illegible] Mantica in [illegible] [illegible] cons. 28. [illegible] 20 [illegible] marginem in [illegible] 18. [illegible] 181 [illegible]

[illegible]

[illegible] cons. 470. uol. 5. nu. 3. ubi uult, [illegible] mariti [illegible] qualitatem personarum [illegible] secundo [illegible] uestes nuptiales [illegible] mariti.

[illegible] singulare [illegible] [illegible] et [illegible] et [illegible] inter uirum et uxorem [illegible] [illegible] clementile.

[Margin notes, partly illegible: "adde" … "[illegible] nu. 3."]

Rub. 126.

De Bonis Uxoris portatis ad domum Mariti, et quando testari possit

[illegible] testari, quod continet: ex iacto [illegible] [illegible] ad alium [illegible] applicanda. [illegible] Marius [illegible] gen. ff. de [illegible]

[illegible] Mulier [illegible] testari de [illegible]

[illegible] [illegible] [illegible], [illegible], et examinat in [illegible] unica [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] argumenta [illegible]

[illegible] in cons. 44 [illegible] [illegible] distinguendo hoc parte [illegible]

Aut filia [illegible]

illorum et [illegible]

intelligit quod forte statutum [illegible]

[illegible] masculis, et sic [illegible]

contestatione dotis: ut [illegible] de [illegible] et

[illegible]

[illegible]

[illegible] similiter [illegible]

Sed [illegible] dispositio [illegible] et Constitutum [illegible]

[illegible] graves consanguineos, et alios [illegible]

[illegible] sacro [illegible] et tunc disponit [illegible]

[illegible] dominia testam, vel aliquid [illegible]

[illegible] examinavit aliter in testamen[illegible]

[illegible]

[illegible] exeunt desciendentia, et alias ad [illegible] de

[illegible] dispon[illegible], et vice extranei [illegible]

Conditionibus et monitum [illegible]

[illegible] se [illegible]

[illegible] Pariter [illegible] testam, codicillam, et [illegible]

De omnibus aliis suis bonis aduenientibus: vel undecumque

[illegible]

Ad [illegible] successiones, [illegible] pro alia Rub. 175. quae [illegible]

omnia [illegible]

[illegible] mulieri relaxa[illegible] de illa de earum ad [illegible]

[illegible] ut successiones [illegible]

[illegible]

[illegible]

[illegible] Maritum post [illegible] uxor non

[illegible]

[illegible]

[illegible] donatio [illegible]

[illegible]

[illegible] Andream de Castroreto uxoris nomine [illegible]

[illegible]

[illegible]

[illegible] ... cons ... [illegible]

Sed tamen sua, ut dixi [illegible] ... [illegible] Maritum.

An aut donata Uxori per consanguineos Viri [struck: mariti] ... [illegible] Viri.

[illegible] ... in terminis

[illegible] ... [illegible]

serit et tenet [illegible]

Quoad ultimum vero [illegible] ... in termini ...

[illegible] ... sit in terminis huius statutu, quod [illegible] de ...

[illegible]

[illegible] ... Bald. in [illegible]

[illegible] ... a parentibus mulieri ... [illegible]

[illegible] ... in secundo matrimonio.

[illegible] ... l. Divus Severus ff. de iur. Dot. ...

[illegible] ... quod mulier

[illegible] ... idem statutum ...

[illegible]

An tamen [illegible] ... matrimonio, contrahi ... in 2°: in quo nullum pactum inter [illegible] fuit initum

Quod ... [illegible] ... Rub. 124 ... statuto 130. et alibi, ... non quod ... Conuentum ... l. 1. ff. de pactis.

Quod ... ex ... [illegible] ... Rub. de ... ff. de iure ...

Accedunt ... [illegible] Rub. cons. 53 n° 29 ubi dicit quod ... [illegible] ... dot. ...

[Left margin notes:]
[illegible] tamen ... [illegible] morte ... conversans ... impensis

cum inter [illegible] dotal. sed des i. matrimonii [illegible] in 2°. [illegible] dotem [illegible] data [illegible] in 1° matrimonio ut [illegible] de [illegible]

[illegible] maxime [illegible] 18 n°. 18 vol. [illegible] augmentum dei [illegible] in 2°. matrimonio

An Mulier possit disponere de dote institutam
saltem quoad portionem Dotis Maternæ?

Nota Constitutionem [illegible] prohib. dispositionem Dotis Contrarias
[illegible] et alios [illegible], ad quos [illegible]
quemad. [illegible] tam Prem. quam
[illegible] dos esse [illegible] tam [illegible]
[illegible] dotis constitutum [illegible] alr [illegible]
[illegible] notabiles [illegible]
[illegible] in [illegible], et [illegible]
[illegible]

Contra [illegible] Rub. 131. ubi dos mariti [illegible] matrimonium [illegible] ad [illegible]

* [illegible] tamen notanda [illegible] illius Constitutionis [illegible] filii [illegible] moriuntur in etate [illegible] matrimonii [illegible] non posse disponere, sed dos [illegible] secundus [illegible] filii [illegible] de dote materna disponere [illegible] filii masculi decedunt [illegible] mulier [illegible] constitutione [illegible] *

[illegible]

[illegible] Acquisitis per Dominam Mari[illegible]
[illegible] de Bonis Mariti

Vide [illegible] Coras. [illegible] in [illegible]

[illegible] Constitutio concordat cum L. Quinam [illegible] de donat. inter [illegible] Guid. de [illegible] in [illegible] remedando,
[illegible] Rocamans [illegible] cons. 133. vol. 4. [illegible]

[illegible] cons. 7. n. [illegible] Vide [illegible]
[illegible]
[illegible] dotis [illegible]

Vide

Vide Andr. Gaill. Consiliis pur. Lib. 2. Cap. 97.

Dic tu, quando Vir, hoc est Maritus, iuit habitatum ad domum Uxoris, prout hanc Limitationem traduxit [illegible] omnes ad [illegible]: [illegible] et [illegible] inter Vir et Uxor. Tunc [illegible] omnia mob. [illegible] Uxoris [illegible] domus. Soc. Consil. 128. col. 2. [illegible] 2do [illegible]

et Consumpt. Vol. primo Lib. 3. [illegible] n.º 40. qui dicit. Declaratio septimo [illegible] Consumptio, quando Maritus traduxit se ad uxorem, [illegible] ita cum iuit ad domum Uxoris, nam tunc, deinde [illegible] acquisita [illegible] ex bonis [illegible] ex bonis mariti [illegible] quaesita, et allegat Bal. in l. ob maritorum. C. ne Uxor pro marito: et Craue. cons. 61. n.º [illegible] 3o. [illegible] et Anton. Gabriel. Concl. 15. n.º 23. —

Hoc quoque sustinet Decian. Cons. 47. n.º 10. 18. et 19. Vol. 2do, [illegible] [illegible] quando Uxor fuit traducta ad domum Viri, [illegible] quando Maritus [illegible] traductus ad domum Uxoris, [illegible] contingit, [illegible] Limitatio, et videre est [illegible]

Vide etiam A. Gran. Cons. 101. n.º 2. Vol. [illegible] et [illegible] [illegible] singular 6.

Quid in Tutore et Curatore [illegible], [illegible] administrationem [illegible] ex bonis adulti, [illegible] acquisitis [illegible] [illegible] patrimonio acquisitum [illegible] [illegible], et multis [illegible] acquisitum, [illegible] est [illegible] [illegible] L. [illegible], et ibi est [illegible] [illegible] arbitrium. quod nota [illegible] et [illegible] Franc. [illegible] in 6to singul. [illegible]

[illegible]

Lib.o 128

Q. ... Creditoribus. Mulieres ... [illegible]

... [illegible] ...

Continuo ista non teneatur in ... [illegible] eamdem ... minores in ... dotare ... in ... : et ... ad ... [illegible] ... illi ... debebant in faciendo ... dotes ... mariti, an bona, quae obligabantur pro manutentione ... aliis prius obligata, nec ne.

Deinde ... mulieres ... aliis Creditoribus, ... defraudandi creditoris, nam mariti, qui aere alieno gravati essent, ... et sic obligando bona ... aliis obligata ... in bonis, ... [illegible] ... mulieris ... [illegible] ...

Qui prior in tempore sit potior in iure.

et ... [illegible] ...

... in ... qui potior in ... et ... [illegible]

... [illegible]

... nomine ... [illegible] ... nis, quod uxor ... contra Creditores anteriores ... [illegible] ... eam, et ... cum ... iuxta glos. ... Bald. dicit esse ... [illegible] ... comm... mulieris ... [illegible] ... Sed hoc ... dumtaxat procedit, ... Creditori ... enim Credita ... ad iustam numerationem probent, ... numeratam esse, ... marito numeratam esse, alioquin ... [illegible] ... consideratis, ... et mulier ... [illegible] ... Credit... sine ... conditione ... mulier ... [illegible] ... [illegible] ... [illegible] ...

Quarto

[illegible]

[illegible] marito uxori actionem debet omnino ad [illegible] spectare, etiam si probaret, quod numquam fuerit soluta [illegible] in [illegible] instit: de [illegible] quod fallit [illegible] non solvendo Creditoribus [illegible]

[illegible] Valle in Cons.º 14. nu. 22 et 24. vol. 1.º

[illegible] et in expensis [illegible] in infirmitate [illegible]. Idem [illegible] in [illegible] facit ad hoc [illegible] L. assiduis [illegible] [illegible] excepto, et [illegible] L. si fundum ff. [illegible]

[illegible] in rebus propriis, ita Bart: in [illegible] de [illegible] Fisci.

[illegible]

Quo. [illegible]

Quibus Reperientes [illegible] [illegible] [illegible]
Albergincapia, et alia Iura

[illegible] [illegible] [illegible] [illegible] mulieres [illegible] maritos; parum idoneos: [illegible] hypothecas [illegible]

[illegible] Paulus [illegible] Peregrini [illegible] Patavinus,
[illegible] [illegible]

De ... et aliorum ...

... eundem ... Francio ... in causa inter ... et ...
... ex una, et ... Thomas ... die 2 ...

Sed hic ... videtur ... repugnare ... 107. ... eius ... Smithij : dum inquit, ... Smithij excipiuntur contractus ...

Tamen conciliantur ... per modo, ... ut ... excipiuntur ; ut dictum est, dicitur ... et ... ut individualiter ... vel repetendus, et ... Antinomia ...
... 22 : ...

De ... aut ... in causa ... mulierij ... contrahit matrimonium ... currere aut ... et hoc ... quando ... aut ... quando ... illatum ...

fo. 131

De restitutione dotis facienda filiis mortuo patri [illegible]

[illegible] et Locum ubi non repugnat dotale pactum, ut declarat Rubeus in cons. 36. nu. 16. cum seqq. et ibi. nu. [illegible] et 22. [illegible] Pavan. cons. 89. nu. 6. vol. 2.

Ab intestato aut. [illegible] succedit et sic consolidatur ususfructus cum proprietate [illegible] fin. instit. de usufr.

[illegible] filius, vel filia de sua dote non [illegible] testari, aut [illegible] [illegible] acquirit [illegible] in [illegible] de bonis que [illegible] et in L. [illegible] [illegible]

[illegible] 32

De [illegible] et [illegible] succedentibus feminini sexus [illegible]

[illegible] filiis masculis, [illegible] alii [illegible]

Ratio [illegible] masculis ex [illegible]

[illegible] fratribus masculis, [illegible]

[illegible] fratrum defunctorum filiis masculis, et aliquo, seu aliquibus ex [illegible]

[illegible]

[illegible] et [illegible] feminini sexus [illegible]

[illegible]

[illegible] defuncti [illegible] et [illegible] Contra ius commune [illegible]

Sed — Quid ac iure communi [illegible]

[illegible] eadem [illegible] masculi [illegible]

[illegible] conditione [illegible]

[illegible] aliud erat [illegible] masculo, cum femina [illegible] legitima [illegible]

Et [illegible]

[illegible] ex [illegible] inter ceteros [illegible]

[illegible] masculos [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] et [illegible]

[illegible]

[illegible]

[illegible] L. [illegible] C. [illegible] lib. [illegible]

[illegible]

antiqua [illegible] emendare voluit, continens id, quod [illegible]
[illegible] [illegible] [illegible] masculinis, et tam in successione
ex testamento quam ab intestato, et [illegible] [illegible] nullus [illegible]
[illegible], ac. [illegible] in [illegible] [illegible], et [illegible]
etiam in nepotibus, et quoque in nascituris: et sic [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] inter masculos et feminas
dicens. * Qui tales differentias [illegible] [illegible] [illegible];
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]:
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ex testamento [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] conditionis: [illegible], quia [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] per mutam conditionis, [illegible] [illegible] succedit

Loco

[illegible] Legitimi filios
[illegible] contra Decianum, [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Quid [illegible] Minor legitima

[illegible] in [illegible]

[illegible]
[illegible] cum sint nulli
etatis, an possit petere ante [illegible]

[illegible] extraneus [illegible] et Bald. in cons. 300.
[illegible]
[illegible] filia [illegible]
pubertatis. [illegible]

[illegible]
[illegible]
[illegible] militare [illegible]
[illegible]
[illegible]
alimentum, et [illegible]
[illegible] et qualitate maritandam, et [illegible]
[illegible] in hac [illegible]
et cum sint.

Ad §. Si vero

[illegible] descend. [illegible]
[illegible] masculina [illegible]
[illegible] filii, tunc salvum [illegible]
defuncti, neptibus, ut [illegible] vel alii feminini sexus descend.
[illegible] non sunt maritatae, vel non dotatae, et eis [illegible]
in [illegible]

[illegible]

uel legatu, uel fidei commissi [illegible] commode [illegible]
[illegible] testamentum, [illegible]
[illegible] ex hereditate, competat, et ad ipsius defuncti hereditatem
[illegible] ratae eius debitam admittantur. aut si minus quam debitum [illegible],
[illegible] sit, ut dictum est supra, agere possint illico cum [illegible]
[illegible] ad supplementum competentis dotis, et [illegible]
[illegible] et illis [illegible] libere
[illegible]: [illegible] formas [illegible] disponere ad sui beneplacitum.
[illegible] minus [illegible] in d.° testam.
[illegible] in [illegible]

[illegible] uel legatum, uel fideicommissum [illegible],
[illegible] capitulum; ut in sequenti Rub.ca [illegible] dicam.

Circa autem [illegible] ex
Cauta Cod. de [illegible] ter. ubi statuitur, quod [illegible]
[illegible] iniuste [illegible]
uero, [illegible] fideicommissa [illegible] et quod [illegible]
[illegible] speciali [illegible]
qua concordat prouisio quoque, et de [illegible]
[illegible]

Cap.° 13

De [illegible] Filiabus, et aliis Mulieribus ab Hereditate exclusis

[illegible] et [illegible] ordinat. sive disponit presens Constitutio eas, qua[illegible] in Tit. precedenti [illegible]. Sed videamus

Quid de Jure Communi Cesareo!

[illegible] mulieres [illegible] ex [illegible] quod [illegible] sive [illegible] [illegible] in [illegible], [illegible], sive [illegible] [illegible] [illegible] [illegible] sive et donationis causa mortis [illegible] [illegible] [illegible] in [illegible]: §. [illegible] [illegible] [illegible] in §. [illegible]. [illegible] [illegible] in [illegible] [illegible]. §. [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] §. [illegible] [illegible] iii.

[illegible] [illegible] [illegible] in [illegible] [illegible] §: [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] per quamlibet donationem, vel legatum, vel fideicommissum, [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] quando non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] quod coniugari [illegible] [illegible] in fine [illegible] [illegible] coniugari: et ita Comm. [illegible].

[illegible]

Ratio huius Auth. est quia filius legitimus est honorabilior [illegible] alio: et si in minori et caue[illegible] legitimo filio [illegible] [illegible]

[illegible] Legitimam [illegible]

Item [illegible] et [illegible] in testam.to et legat. vel fideicommiss. relicto, sive iure legitima per [illegible]

[illegible]

[illegible]

[illegible] legitima [illegible]

[illegible] in [illegible] de instit. [illegible]

(quod [illegible] et aliis descend.tes feminini sexus; nam [illegible]) [illegible] aliud [illegible] quod indistincte et descend.tis [illegible] sexus [illegible]

His sic habitis quaeri potest

An [illegible] in testam.to relicta congrua censeri debeat.

[illegible] bonum capiat pro [illegible] Consilium [illegible] in [illegible]

adprui. — de admit. et ideo [illegible] in [illegible] de [illegible] L. sin. in [illegible] C. de [illegible]

[illegible]

[illegible]

quod nota.

[illegible]

[illegible] q. non debet Leg[illegible] [illegible] possit impugnari certam,
[illegible]
[illegible] nu. 82. vers. item quero.
[illegible]
Vide et circa ista conditionem Soc. sen. cons. 180. nu. 4. vol. [illegible]
Curtia mand. in Verr. ult. declarantes: Vide Decia: cons. 2
[illegible] et quod non sit conditionale vale Legatum
vide Menoc. de coniect. ultim. volunt. lib. xi. tit. 3. nu.
nu. 41 et vers. ad finem nouit. 35. et Alex. cons. 9 [illegible] in princ. in 2.a parte.
Vide notae Rubeo. et Stephanis in Const. suo. 25. vol. 2.
[illegible] et ad [illegible] huius conditionis notab. Cons. [illegible] Alex. 55.
[illegible] ipsa Legitima.

R. 13.

De Heredibus compellendis alimentare, et maritare feminas [illegible] ab hereditate exclusas.

Pro hoc facit. Auth. hoc amplius. Cod. de fideicomm. [illegible] considerata [illegible] non aut valor Rez ut si essent magne domus, [illegible] similia [illegible] ita [illegible] in [illegible] filiorz. ff. de Legat. 3°

Adverte, quod dispositioni, et beneficijs [illegible] Constitutionis, et [illegible] marum procedentium non [illegible] quo modo etiam cum [illegible] [illegible] venerit, [illegible] summarum.

Tit. 35

[illegible] et [illegible]

[illegible] munus est et ultra [illegible] [illegible] ita [illegible] [illegible] mulierem [illegible] poterit [illegible]

Quid de Mulieribus Accidentibus, puta, Matre, et Filia?

Distinguenda sunt cum filiis, et [illegible]:

De hac Filiis. —

[illegible]

[illegible] Marit. 2. [illegible]

[illegible] ad aliā. [illegible]

administrare nō dn̄r.

2ª [illegible] cum cuṙibus testamentarijs, sed etiam [illegible]

[illegible] administrandi facultatibus [illegible]

[illegible] inueniat.

[illegible] 12. tabul: constituit Legitimos tutores [illegible]

[illegible] de Legitima tutela. ubi [illegible]

[illegible] runt; cum solummodo [illegible]

[illegible]

[illegible] per ius Authenticorum, et eiusdem

[illegible]

[illegible] deinde [illegible] etiam [illegible]

[illegible] e uirorum edidit.

[illegible] per aut. [illegible] sine prohibitione [illegible]

[illegible] necessitatem iurandi, et [illegible] constringan[illegible]

[illegible] et [illegible]

[illegible] tutelam, [illegible] iurare [illegible]

[illegible]

[illegible] ut sine [illegible] corrigens [illegible]
omnes anteriores [illegible]
[illegible]
[illegible] in verbis [illegible] aliqua [illegible]
[illegible] Correctoria [illegible]
[illegible]
quia ultimis standum [illegible]

[illegible] sed transeat [illegible]
[illegible] communis [illegible]
[illegible] tamen ut [illegible]
[illegible]
[illegible] in iudicium [illegible]
et [illegible] testamentum [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] testamentum [illegible]
[illegible] cum credendum est [illegible]
[illegible]
[illegible]
et in [illegible]
[illegible]
[illegible] testamentum [illegible]
[illegible] legitimis et [illegible]
[illegible]
[illegible]
[illegible] mulier [illegible]
[illegible] legitimus [illegible]
[illegible]
Omnis

[illegible] fratris [illegible] et [illegible] dicunt [illegible] ambos admittendos, cum non sit
[illegible] legitimus [illegible] infert ex [illegible]
[illegible] sicut [illegible] paternus
cum [illegible] legitimus [illegible] pater et [illegible] admittuntur,
cum ille [illegible] legitimus [illegible] admittantur.

[illegible] tandem [illegible] et filiis [illegible]
ab intestato [illegible] et de [illegible] nullo [illegible]
et [illegible] admittendos [illegible] agnatos et cognatos indistincte [illegible]
[illegible] successioni et suo ordine ad hereditatem vocantur [illegible]
[illegible] [illegible] in hereditate [illegible]
et in [illegible] nulla [illegible] cognationis et agnationis [illegible]
[illegible] in [illegible] ex his [illegible]
[illegible] gradu et ordine, quo ad hereditatem vocantur [illegible]
[illegible] aliis etiam [illegible] nulla [illegible]
[illegible] de agnatorum [illegible] cognatorum [illegible]
[illegible] omnibus [illegible]
ex [illegible] continentur. [illegible] glossa in
[illegible] agnatorum [illegible] de [illegible]
contrariam; et dicit [illegible] corrigi.

[illegible] praesens [illegible]
constitutio.

[illegible] in [illegible] immo et
[illegible] filiis et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible]

C [illegible] nihil meminit [illegible] renunciationis [illegible]
[illegible]
et [illegible] ad secundum [illegible], cadant
[illegible]
[illegible] admittendos [illegible]
[illegible] et [illegible]
[illegible] admittantur [illegible] minori
[illegible]
[illegible]
[illegible]

[illegible] et [illegible] ; [illegible] in hoc [illegible] dicebam [illegible] [illegible] et concordat et discordat. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] etiam [illegible] [illegible] [illegible] [illegible] anno [illegible] [illegible] deinde [illegible] ; [illegible] [illegible] minorenne, aut [illegible] [illegible] [illegible] [illegible] minores [illegible] et in hoc [illegible] remittit [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] alius [illegible] [illegible] [illegible] [illegible] qui [illegible] sit minor [illegible] 25. et non potuit agere contra [illegible] [illegible] durante [illegible] [illegible] [illegible] [illegible] nulla currat praescriptio.

An idem sit in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible].

Dic, quod sic, cum sit eadem ratio; ut [illegible] cum [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] constitutionis [illegible] generalis [illegible] [illegible] [illegible] [illegible] et [illegible].

[illegible] [illegible] sit [illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible], cum [illegible] [illegible] [illegible] eam [illegible] [illegible] 2. et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] deinde [illegible] [illegible] et, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible], et in [illegible], unde [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] in [illegible] [illegible] 12. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible], et [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] concludit [illegible] [illegible] non esse [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] data. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] 12 [illegible] [illegible] [illegible] [illegible].

An [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible].

Dic, quod [illegible] inter [illegible] et filios [illegible] [illegible] [illegible] [illegible] ideo minime admittitur [illegible] [illegible] [illegible] durante [illegible] et sine prohibitione [illegible] [illegible] et [illegible] etc.

Speciale [illegible] in [illegible] [illegible] [illegible] speciale in uno [illegible] [illegible] [illegible] [illegible] [illegible]

Et non solum si haberet [illegible] de eram [illegible] alias [illegible] excusatur [illegible]

Etiam si alias [illegible], legum [illegible] idem [illegible] in [illegible] de [illegible], et ea, quae [illegible] col. 4. et in [illegible] de [illegible] aut [illegible] col. 3. [illegible] memoriam, et [illegible] Sarmien[to].

Rub.ca 136.

De C. Cum ante dando hereditati seu aliis bonis [illegible]entibus.

Rub[rica] 137

De Inventariis a Tutoribus, et Curatoribus conficiendis.

Tutor qui administrat negotia pupilli non confecto Inventario praesumitur esse in dolo. Corne. cons. [illegible] n. [illegible]

[illegible] et [illegible]

[illegible]

... Inventarium conscribi ... ; mult... quod Inventari...
... posit a testatore ... et ...

... Idem ... statuit ...

... immutum ... et ... scilicet:

... Inventarium ... et ... confectio ... ter testatore ... indirecte ...

... declaramus:

An ... Inventario ... ...

... notarius ... Inventario ...
... in ... Bertach. ... in ... et ...
... arbitrium ...
... Inventario ...

... Inventario ... cum nemo ...

... ... scribente. ... cum
Andelihi

q. libro. scriptum esse [illegible] eo, quod scriberet:
dixit ille inquiens, ut speciale est, quia etiam [illegible] inventare sit Inventarium.

[illegible] [illegible] [illegible] [illegible] [illegible],
[illegible] [illegible] [illegible] in hoc statim.

[illegible] cons. [illegible] n.° 4. vol. 2.° dicit, quod non

Adverte [illegible] [illegible] Inventarium alicui creditori non
teneri [illegible] pol. caus.[illegible] [illegible] [illegible] n.° [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible],
[illegible] administrata

[illegible] quod hic [illegible] [illegible] in cons.° 198, ubi [illegible] fol. [illegible] 166. Vol. [illegible]

Rub.a 138.

De ratione reddenda per tutores, et curatores singulis annis.

An necessitas reddendae rationis possit per testatorem remitti.

Sit textus expressus quem adduximus et in precedenti Rub.a 60 in [illegible] textum Cod. de fideicommiss. [illegible] dimitti, [illegible] cum necessitatem reddendae rationis [illegible] mittendae [illegible] voluntate [illegible] tam esse [illegible] : [illegible] in [illegible] et declarat [illegible] et [illegible] quod [illegible] accideat [illegible] [illegible] de [illegible] et [illegible] : [illegible] et [illegible] rationes. [illegible]

Et glos. in ipsa L. cum necessitatem, verbo, Rationis, explicat [illegible]

[illegible] Constitutio derogat [illegible] communi et [illegible], quod onus rationum reddendarum [illegible] directe vel indirecte cum [illegible] remitti non [illegible] vel aliter [illegible] ita in [illegible] ubi [illegible] Statuendi [illegible] : adeo [illegible] precedente [illegible] ita [illegible] [illegible].

Vide Ferrarium in Cau.[illegible] 51. ubi dat cautelam [illegible] omnino vide.

[illegible] dictam cautelam Joannes [illegible] 100 [illegible] concludit [illegible] tutor, vel curator, quem videas.

Rub.^a 139.

De Administratione interdicenda dissipantibus bona sua.

Capitulum 140

De bellicis seditionibus, quas Vueragui, et alij excitabant

Rub. 171

De Usurarijs

[illegible]

Si [illegible] accedit [illegible] et [illegible] de [illegible]

[illegible]

[illegible] attestationem [illegible] non [illegible]
[illegible] de [illegible] in [illegible] [illegible] quod [illegible]
[illegible]
[illegible]
[illegible] 172 [illegible]

[illegible] 30 [illegible]
[illegible] dicit [illegible]
usuras [illegible]

[illegible] Clementes, in Calce [illegible] Constitutionis [illegible]
[illegible] in ea [illegible]
[illegible] in [illegible] usuras [illegible] in [illegible]
et in [illegible] et ideo [illegible] distantibus [illegible]
[illegible] in [illegible]
[illegible] 300 [illegible] ille [illegible]
[illegible] non [illegible] ad [illegible]
illud [illegible] in [illegible]
[illegible] usuras [illegible]
[illegible] de Usuris [illegible] et [illegible] de
[illegible] in cons. [illegible]
[illegible] et [illegible] 100 [illegible] et cons. 107.
[illegible] aliud speciale [illegible]
[illegible] et [illegible]

[illegible]

Testes singulares non probant, ut lex in cap. cum dilectus de elec. in ... ubi ... extra ... et in ... et in cap. licet universis extra eod. et ... in ... de ...

... et ... de ... in ...

... et ... fundam. ... ...

... de convincendo ... testes exam. ... et in ... commissa ...

* Quaeritur ... considerandum ~~quod gravamen~~ ...

Quae ... ... de singulariter ... testes in suis testimoniis singulares ... ~~...~~ ... ordinem ... et ... ... in ... ... quae etiam ... quod ... in ... testes ... ... non ... ... testes sunt in suis testimoniis singulares, et ... ... non ...

(margin: Quae ... ... contra ... ... iuramentum.)

Ques.^o 142.

De Promissione restitutionis Bonorum facienda infra certum tempus.

Quis.to 143

de Castro

Rub.co 148.

De Testamentis

[illegible] testam.to [illegible] matrie [illegible] in iudicauit [illegible] rationes
[illegible] Baldus. 426. [illegible] cons. 3. nu. 14. [illegible]
Testam.to [illegible] cum [illegible] [illegible] [illegible], ut notat. in
fin. C. de testam. [illegible] in [illegible] cunctos populos. nu. 22.
[illegible] de summa Trinit. et fid. Cathol.

Rub.a 145.

De Successionibus ab Intestato.

Ratio huius statuti ponitur hic in principio; ut earundem et extremorum masculorum successio [illegible] in masculos [illegible] conservetur, per quam honor familiae solet conservari, ac avorum [illegible] fieri longa memoria etc. Concordat Socin. Iun. cons. [illegible] vol. 3. nu. 28. item cons. 13. nu. 5.

An hoc statutum vendicet sibi locum in defuncto Forense, et statutum extendatur ad Forenses.

Et non extendatur tenet [illegible] Soc. Iun. cons. 80. [illegible] 4. [illegible] cons. 890. [illegible]

Quando quis dicatur mori ab intestato.

[illegible] in [illegible] inst. de [illegible] ab intestato [illegible] intestatus decedit [illegible] aut omnino testamentum non fecit, aut [illegible] fecit, aut [illegible] quod fecerat [illegible] aut [illegible] ex eo nemo heres extitit.

[illegible] aliud est mori ab intestato, aliud mori intestabilis [illegible]

[illegible]

in [illegible] de [illegible] et [illegible] et [illegible] quod hi quantum ad [illegible]

[illegible] sunt intestati; sed de proprietate non, quod [illegible]

[illegible] (Mater non succedat filio ab intestato [illegible]

agnato, [illegible]) an [illegible] in [illegible],

[illegible] generaliter [illegible]

[illegible] in [illegible] et in [illegible], testamento

ab intestato, [illegible] illegitimi qui nullum condidit testamentum

[left margin: [illegible] condidit quod [illegible] ad [illegible] intestati quoquo modo [illegible] *]*

[illegible] Quibus praesens [illegible] constitutio discrepet.

[illegible]

* [illegible] in [illegible] et [illegible]

[illegible] ab intestato [illegible], [illegible] admittit ad

successionem [illegible] masculos, et descendentes masculos

exclusis [illegible] filiabus et descendentibus feminis [illegible]

[illegible] quia supra, ut earum [illegible] in masculorum posteritatem

pervenirent, per quam honor familiae solet conservari, feminae

autem transferunt divitias de familia in familiam.

[illegible] Justinianus vult equalitatem servari inter filios,

et filias, inter descendentes masculos et feminas, et descendentes

per lineam tam masculinam, quam femininam ut constituit in

[illegible] accusandi,

[illegible] constituunt

* [illegible] in [illegible] in [illegible]

ascendentium [illegible]

[left margin: Pater aut Mater *]* [illegible] gradus [illegible] servata,

et ceteris ex latere [illegible] excepto quod hi cum

[illegible] ex utrisque parentibus

[illegible] gradu ascendentibus [illegible]

[illegible] aut constitutio [illegible] descendentibus masculis [illegible]

ascendentes masculi ex linea masculina [illegible]

[illegible] masculi ex [illegible] ex [illegible]

[illegible] descendentes proximiores in gradu

una admittantur ad [illegible] gradibus [illegible] eius [illegible]

[left margin: [illegible] gradus ex utroque parente, vel *]*

ex parte tamen, et [illegible] specificatur illegitimi

[illegible] fratribus ad [illegible]

[illegible] ex [illegible]

[illegible]

diuidenda pariter inter eos. Vnde discordat a [illegible]
[illegible] in eo, quod non admittit nisi ascendentes mas-
culos, et de iure fratres masculos, exclusis [illegible]
et ascendentibus feminis, [illegible] Glosa [illegible]

[illegible] vult esse exclusas a successione [illegible]
masculorum, et [illegible] extantibus masculis et in-
feriorib[us] ad quos in [illegible] tunc extant [illegible]
ex eis.

[illegible] constitutione, quod si cum dictis ascendentibus aut
[illegible] fratribus extarent etiam [illegible] masculi fratres [illegible],
tunc iam etiam quotcumque [illegible] successionem [illegible] tunc
admittantur in stirpem cum patribus [illegible] et [illegible]
[illegible] ascendentibus.

Contrarium quidem inuenit in [illegible] ad intest. [illegible]
in [illegible] sed emendata est et correcta
[illegible] aliam [illegible] et fratrum [illegible]
in qua [illegible], ut si quis moriens [illegible] ascendentium
aliquem et fratres cum [illegible] cum paternis [illegible] et alte-
rius [illegible] fratris [illegible], cum ascendentibus et fratribus
[illegible] et [illegible] fratris [illegible], et tantam [illegible]
quantam eorum futurus erat pater [illegible]. Ita
in [illegible] Hoc itaque iuste [illegible] cum hac
[illegible] constitutione [illegible] quoad hoc.

[illegible] sine [illegible] et ultimo [illegible]
in successionibus ab intestato, deficientibus descendentibus,
et ascendentibus, nec non fratribus [illegible] filiis fratrum
defuncti, [illegible] communi [illegible]
[illegible] gradus [illegible]
[illegible], et [illegible]
gradus [illegible] inter eos [illegible],
[illegible] in [illegible] et nullam vult [illegible]
in successione inter masculos, et feminas, nec inter agnatos
et cognatos

ex cognatis, et etiam inter personas, que sive per masculi sive
foemine lineam descendentes iunguntur, ... in omnibus
successionibus agnatorum, cognatorumque: dictam ueluti solum fuit
ita in § . L. uero; Auth. de hered. ab intest. uenient.

C. Si vero ... dixerit, scilicet si non supersint ascendentes masculi,
nec descendentes masculi ex linea masculina, nec etiam defuncti
fratres masculi, sive tunc extant fratrum filii, illi admittantur ad
hereditatem defuncti tamen dividendam inter eos in stirpes et
non in capita, et similiter modo tamen ... lineam masculinam
coniunctam succedant ... eorum masculis sive etiam descen-
dentibus tam ... descendentibus uel ascendentibus aut collateralibus
ex linea masculina, ut expressum est. Sicque excludit a successione
et collaterales feminas ex linea masculina, et transuersales
masculos ex linea feminina ... descendentibus, defuncti,
et ... in ... aut summam referens
... superius expressis inquit. * Quibus ... (hoc est
si adsint filij uel descendentes masculi nati ex linea masculina
defuncti, aut certe ascendentes masculi ex linea masculina;
aut defuncti fratres masculi aut filij fratrum aut tamen
per lineam masculinam coniuncti;) filie defuncti, et ...
feminini sexus ex eo descendentes, ac descendentes ex eis
muliebris ... sexus existant, ac masculi ex illis
feminis descendentes ad successionem uel hereditatem,
seu aliquam partem ipsius hereditatis defuncti nullatenus
admittantur ... masculos descendentes et
ascendentes masculos seu collaterales masculos ...
sint exclusa. ... etiam sive ... et ...
et ... et ... exclusi a successione
... masculorum et ... existentibus masculis
... seu aliquibus ex eis, et hereditatem defuncti
... adeuntibus.

C. ... dicendum est, quod ... constitutio ... dictam
... dictam, ... in eo ... extrahit
a successione

a successione intestatorum quibus transversales foemina
ex linea masculina, et agnatas; et collaterales et masculi
ex linea foeminina, nec non descendentes foeminas, quod
tamen concordat cum iure antiquissimo legis duodecim tabularum
à qua recessit Iustinianus exequando foeminas masculis
et tollendo differentias agnationis et cognationis;
nam in antiquissima lege una quidem successionis ab intestato
continebatur, cuius verba haec erat:
Ab intestato haereditates primo suorum heredum, cuius velint, sunto,
et in locum filiorum nepotes ex eis succedunto;
Alia erat: Suis deficientibus Agnatus proximus familiam
habeto.
Ex quo etiam patet quod antiquitus voluit agnatos masculi, ut
ipsi succederent ea ratione [illegible] quia [illegible]
[illegible] Statutarii [illegible] [illegible] foeminia
amandarent et conservarent, unde in eodem [illegible] et successionis
iure [illegible] [illegible];
Et licet hoc nostrum statutum sit durum, quod Mater à successione
[illegible], et filia huius matris à successione patris cum [illegible] haereditate
excludantur, nihilominus dictum statutum cum sit fundatum in ea
ratione, ut bona in agnatione conserventur, locum habet, et sufficit
statutum esse iustum in genere suo, licet in aliquo singulari videatur
durum, ut [illegible] et alios in q. non dubium n.° 7. [illegible]
[illegible] in cons. 509. nu. [illegible] vol. 4.
Et filiae dicti defuncti masculi, et etiam foeminini sexus de [illegible]
defuncti maritari debent, ac dotari, necnon [illegible] masculi
succedentes et eas excludentes, [illegible], et cum
fuerint [illegible] ipsas maritando, et si dotare [illegible]
[illegible] et [illegible] [illegible] iuxta [illegible]
[illegible], [illegible] [illegible] [illegible], ac et [illegible]
maritoni [illegible] traducta, alimentando ex bonis dictae haereditatis
iuxta qualitatem et [illegible] [illegible], ac statum et conditionem

earum

earum [illegible] mantaneam . et [illegible] congrua [illegible] ac [illegible] ratam [illegible] habeatur nihil de illa hereditate [illegible] tollit, ita in [illegible] [illegible] usque ad [illegible] [illegible].

Nos autem congruam illigit quantum est illa legitima immo hoc expressè [illegible] infenius in [illegible] et [illegible]: quod in [illegible] in quibus filij illius femina in eis descendentes [illegible] excludi [illegible] [illegible] [illegible] hereditate [illegible] materna [illegible] masculos . [illegible] [illegible] ad [illegible] [illegible], [illegible] agitur tantum quantum est illa legitima [illegible] communi [illegible] [illegible] [illegible] hoc [illegible] [illegible] consuetudinis et [illegible] [illegible] [illegible] conditione [illegible] [illegible].

Illa [illegible] in tali [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quando [illegible] exclusi [illegible] [illegible] hoc [illegible] hoc congrua [illegible] [illegible]

[illegible] [illegible] [illegible] de [illegible] attendenda [illegible] extantibus [illegible] masculis [illegible] lineam masculinam [illegible] [illegible] [illegible] [illegible] masculis ex linea masculina [illegible] [illegible]

Si non extent masculi descendentes [illegible] lineam masculinam, et ascendentes [illegible] masculi, ac collaterales masculi [illegible] lineam masculinam descendentes [illegible] [illegible] [illegible] admittantur [illegible] [illegible] [illegible] [illegible].

[illegible] hoc [illegible] Ubi vero [illegible] extarent; [illegible] [illegible] in tali [illegible] [illegible] [illegible] descendentes admittantur ad successionem cum gradus [illegible] in bonis [illegible] [illegible] [illegible] [illegible] [illegible], et similiter ex [illegible] [illegible] [illegible] ita ut pares in gradu [illegible] succedant, et [illegible] in gradu [illegible] [illegible] secundum jus commune [illegible] succedant.

[illegible] [illegible] [illegible] familia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] 1533 [illegible]

[illegible]

[illegible]

[illegible]

[illegible] et in [illegible]

[illegible]

et [illegible] ad [illegible] suum esse [illegible]

[illegible] amplius considerandum quid dicat [illegible] et [illegible] dicere [illegible] indicam[illegible] circa [illegible] quod [illegible] et [illegible] [illegible]

[illegible] optima

[illegible] quod [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] et in alia [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] quod [illegible] in [illegible] [illegible] quod [illegible] [illegible] quod [illegible] [illegible] hunc [illegible]

[illegible] 15 [illegible] 2 [illegible] 39 —

Si contingeret, quod deinde Masculi Ascendentes et Collaterales tantummodo qui Mulieres ab hereditate dictorum Masculorum contra Juris communis dispositionem virtute huius Constitutionis excluserint, decederent ex testamento vel ab intestato sine filiis masculis vel [illegible] Heredibus Masculis ex dictis filiis masculis descendentibus, Eo quas Personas in tali casu [illegible] hanc istam Constitutionem debere hereditatas pervenire.

Remittitur hoc ad unque in verbo Et si contingeret, et statuitur quod tunc et in tali casu tota hereditas illa, que ad illos masculos excludentes mulierem pervenit, deveniat, et devenire debeat in dictas filias exclusas, et personas ex eis filiabus descendentes exclusas, salva [illegible] in hoc ultimo casu gradus prerogativa atque ita filie exclusa sive descendentes ex eis sunt reintegrande in dicta hereditate, ratio dictorum [illegible] pervenire.

Ita [illegible] quod Constitutio ista suo [illegible] Reintegratione habet locum in filia seu filiabus et descendentibus ex eis, non [illegible] ita ut ille [illegible] iste reintegrentur. ita Decian. cons. 30. nu. 18. [illegible] et exequendum. Rener. cons. 47. [illegible] consuluit.

Vide Soc. Jun. cons. [illegible]
Vide Panteus cons. 45. [illegible]
Rainerottis consider [illegible] si contingeret [illegible]

... Masculi ... quo ... fuerunt exclusae ... Ibid. ...

In contrarium iudicatum fuit ab Ill.mo et Ex.mo D. Locum.te Valentino in Causa Nob. D. ... Lucine Maioli ... Nob. Admirali Marini ... extat Sententia manu ... D. Gabrielis ... sub die ... Iunij 1667.

Nota quod et Lege Mosaica ... masculus excludit ... ... feminam ... cons. 6. nu. 2. vol. 6.

In contrarium iudicatum fuit in Causa Nob. ... Ill. ... Nob. ... et ... die 17. ... 1669. ...

... istud Statutum ... legitimas excludant feminas.

... Pecc. cons. 53. nu. ... et cons. 565.

... istud, et similia Statuta excludentia feminas propter Masculos excludant eas etiam a bonis existentibus extra Territorium Statuentium.

... eod. cons. 304. nu. 3 et seq. et cons. 2787. ... cons. ... quod statutum excludens feminas non excludat a bonis sitis extra territorium statuentium.

Nota, quod in ... huius Constitutionis feminae ... excludantur a bonis ... ... sine alio ... et ... masculis, ac feminis, ... feminae ... masculis. Vide ... cons. 71. nu. 37. et ... ... inter ... et ... feminis ... Mosaica ... masculos ... feminas ... dicit ... dignis

... ista Constitutio locum habeat in ... aliarum feminarum.

Dic quod non, ut ibi .... consil. 9. et quando statutum ... excludit ... de successione ab intestato in bonis ... masculi, non debet extendi ad succedentes ab intestato in bonis feminarum ... remanet ...

An ... a successione ... feminarum ... statuti ... excluta.

... dicis 9. nu. 8. et ... dicit quod ... a successione ... masculorum, et ... feminarum descendentium —

Mulier an ... ... postquam ... sine ipsa.

... consil. 7. lib. 2.° et ... statutum ... et nupta ... dote ... secundum ... matrimonii ... matrimonii ... facultas. Castr. cons. 84. nu. ... lib. ...

Femina ... statutum exclusae a successione parentum suorum inter masculos.

...

... non ... minor ...

... ... nu. 20. tenet ... exclusa ... successione ... et ... et dos non debet esse minus legitima; ... ... et maritata ... consilium ... ipse, ...

... bene [illegible], et quod in [illegible] de [illegible] videri [illegible]
[illegible], cum nullus amor [illegible] paternum : Mamant
[illegible] 17. 3. et [illegible] in cons. 275. incipit, [illegible]
[illegible] in 3. [illegible] et [illegible] alios multos. [illegible]
7. nu. [illegible] idem [illegible] vol. [illegible] Triumpho.
[illegible] cap. nu. 8.

[illegible] tamen, quod licet leges [illegible] de [illegible], quoad
legitimam [illegible], sed [illegible] legatum inter
[illegible] dividi, [illegible] voluntate patris. [illegible]
[illegible] et [illegible] cons. in. nu. 6. vol. 2.
[illegible] in [illegible] nu. 36. [illegible] donat.
Vide [illegible] cons. 238. nu. 4.

[illegible] minor legitima dari potest [illegible], seu descen-
dentibus [illegible] in [illegible] Item [illegible]
[illegible] succedunt, duo [illegible] sunt [illegible]:
[illegible], quando mulieres a [illegible] masculis
excluduntur:
[illegible] quando excluduntur a masculis [illegible],
[illegible].

[illegible] in cons. 34. nu. 15. 16. 17. vol. 5. tenet,
quod [illegible] in terminis [illegible] succedat
[illegible] legitima [illegible] quando [illegible],
[illegible] quando [illegible] excluduntur:
[illegible] in [illegible] feminae [illegible]
[illegible], quando [illegible]
excluduntur: [illegible]
[illegible], [illegible] in [illegible] et
[illegible] succedat [illegible] legitima, et [illegible]

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esse minor legitima: secus, ut dicebam, quando exclusae sunt per descendentes, quo casu totiens constituta esset minor legitima congrua. Et si statutum non diceret, quod dos esset minor legitima, tamen in dubio esset. Vide cons. o. nu. 12 ... vol. 5:

Esse autem ita constitutum in verbo Et quod in supradictis, disponit, quando pro dote habere debeant mulieres exclusae per masculos, et an debeat eis dari minus legitima, quam statutum commune decernit, et inquit. In istis in quibus filiae, seu feminae ex eis descendentes sunt exclusae vigore presentis constitutionis ab hereditate dicti defuncti. Masculi per supradictos masculos connumeratos, videlicet, Ascendentes collaterales masculos per lineam masculinam provenientes, habeant de hereditate defuncti, de qua agitur, tantum, quantum est sua legitima de iure communi, in qua legitima imputari dote constituta seu constituenda esse. Ecce hoc ordinat tantummodo quando feminae sunt exclusae per masculos ascendentes, et collaterales, ut clare patet, et non addit descendentes, nec ipsos nominat. Ergo intendit, illos quando excludunt per ipsos non descendentes, eo casu nolit ... eisdem constitui dos minor legitima.

Ex dictione Scilicet, que idem importat quod videlicet, Vide Socin. iun. cons. 3. nu. 12. vol. 1. et in pluribus nu. 10. et 11. ff. de leg. 1. l. 55. dicit, quod dictio, videlicet, stat restrictive et declarative. Vide Decia. cons. 57. vol. 4. cons. 9. nu. 67. vol. 4. Ruini cons. 85. vol. 2. Soc. sen. cons. 80. vol. 3. Soc. iun. cons. 2. vol. primo. Flam. de Rubeis cons. 3. vol. primo.

Ad vers.: Et in aliis, [illegible] dicta, quod
cum lege [illegible] successionibus ab intestato
in [illegible] [illegible] remittit [illegible]
communis, atque adeo in bonis [illegible] ab intestato [illegible]
succedat [illegible] simul cum [illegible] equali portione, [illegible]
[illegible], et quod filia fuerit dotata ad
tam ex Bonis Maternis, [illegible] paternis, [illegible] in dubio
[illegible] dotata ex bonis paternis, cum [illegible] non
[illegible] in vita [illegible] dotare [illegible] à [illegible]
[illegible] Pater [illegible]

Ad vers.: [illegible] 26 [illegible] penult. [illegible], quod [illegible]
[illegible], quod Mulier [illegible]
pro dote minus legitima [illegible]
[illegible], quod [illegible] supplementi, quod [illegible]
mulier [illegible] habuit [illegible] dote minus [illegible] legitima,
et cum [illegible] renunciavit et [illegible] remissionem
[illegible], ac [illegible] non obstante
[illegible] legitimae.

Et [illegible] non obstante [illegible] cum
[illegible] potest petere [illegible] et in [illegible]
[illegible] quod [illegible] in [illegible]
[illegible] non potuit aliquo modo facere [illegible]
remissionem et cum [illegible] interveniens [illegible]
[illegible], et contra bonos mores [illegible]
[illegible] in libro [illegible]: et [illegible]
[illegible] cum [illegible]
[illegible] cons. [illegible] 5.
et 6. et cons. 78. [illegible] et cons. [illegible] 11
et cons. 133. nu. 7. et cons. 173. nu. [illegible]
[illegible] nu. 7. [illegible] et cons.
[illegible] 11. [illegible] in [illegible] in [illegible]

[illegible] consul.

Ab intestato An Consanguinei sc: ex parte patris tantum coniuncti, admittantur: cum utrinque coniunctis, sc. ex parte patris et Matris, vel non.

Vide Peregr: in decision: Patavin: decis. 75: per totum, ubi infert, in una causa Vicentina fuisse [in fine] iudicatum ad fauorem unius soroni utrinque coniunctae, sed sententia fuisse incisam ex Exmo. Consilio de 40. Et item fuisse sententiatum ab Exmo. Pretore d. Ciuitatis Vicentiae pro eadem sorore utrinque coniuncta. Demum autem Iudicium stetisse in d. Exmo. Consil. de 40:, mutatis iudicibus: pro sororibus: consanguineis, et sic fuisse executum.
Et posterioribus temporibus: sub hoc statu infinita propemodum exijsse iudicia pro Consanguineis; Et resolutionem sane in bonis de paterna substantia, et aliunde quesitis, hoc sententiam statu receptam fuisse.
Sed in bonis de materna substantia, utrinque coniunctos praeire, prout Ciuilis, et naturalis ratio exposulat.
Concordat quoad paternam substantiam et aliunde quesitam etiam Consil. Brix. in antiquis, Rub. 145: de successione ab intestato, uerso et dicto defuncto ijs Vibis, Fratres eius masculi ex utroque parente, nec ex patre tantum coniuncti; cum uerbis sequentibus. —
Et Consil. renouata cap: 121: delle successioni ab intestato, nel uerso: Non intendo siste in questa parola; ma le cose dette attendendosi somanimmente i fratelli

i fratelli del defonto congionti per parte di padre, e madre, ò di padre solamente, li detti agnati più prossimi hanno ammetti insieme con li figli di esso defonto alla di lui heredità per capita egualmente.

E seguita così ancora di figli de i fratelli, ut ibi —

Titulo 146.

De Hereditatibus, et Inuentarijs.

Cum Lex, non sumat, quod heres sumpserit de Bonis Hereditatis.

Dic, quod sic, ut in Auth. de her. et Falcid. § sancimus, aliq. praesumptionis et dubium non debet probari in contrarium, nisi per confessionem partis. ut in Auth. sed iam necesse. C. de Donat. ante nupt. et per glos. in L. contradentibus. § 1. ff. de non numer. pecun. sm. Bald. in d. § tum, cum, et viennam. [illegible] heredis: Et ideo si Legatarii, vel creditores confiteantur, quod Bona non sufficiebant ad Legata, et debita [illegible], et quod heres nihil subtraxit; sed solum se fundarent, quod Inventarium non fuit confectum, deberent succumbere. [illegible] in L. [illegible] § 5. [illegible] quam [illegible] Cepol. caut. L. vii. quod nota pater [illegible], qui non confecit Inventarium, aut [illegible] rescripto.

[illegible], quod condemnatus ex praesumptione iuris et de iure non potest [illegible], quia habetur pro convicto, et confesso, et confessus, et convictus non appellat [illegible] [illegible] [illegible] non [illegible] [illegible] hinc 146.

Et quod tempus termini dat Heredi, tunc debet initium [illegible].

Debet infra xx. dierum spatium a die mortis defuncti inclusive computandorum; ita statuit nra Const. [illegible] a [illegible] [illegible].

Q[illegible] quod spatium debeat inter Heres
conficien., et confectio heti inventarii.

[illegible] heres inventarium inchoan., medians, finire, et publicari infra spatium XXX dierum, post diem acceptate [illegible] numerandorum, ita in vers. quod quidem.

Per octo dies ante publicationem inventarii
Debeant publice proclamari legatarii, et
creditores ad videndum fieri publicationem
Loco, et tempore determinatis.

Per 8. dies ante publicationem inventarii debet heres [illegible] [illegible] seu proclamari facere publice, et alta [illegible] omnes creditores legatarii, et quicumque eorum interesse, comparerent tempore et loco statuto [illegible] publicari coram iudicio, coram [illegible] facta fuit [illegible] acceptatio. ita in vers. tenetur insuper.

[illegible] publicationem [illegible] inventarii citari [illegible] creditores, legatarii, et [illegible] de iure communi [illegible]

[illegible] inventarii [illegible] [illegible] omnibus [illegible] [illegible] [illegible] in inventario omnia et singula bona [illegible] tam mobilia, quam immobilia, iura, et actiones [illegible] et [illegible] [illegible] et [illegible] [illegible] [illegible]

[illegible] heres [illegible] conficiens inventarium [illegible] tenetur ad omnia [illegible] et ad omnia [illegible] ultra vires [illegible] [illegible] et ibi [illegible] de iure [illegible] tenet [illegible] modo [illegible] in 8. parte [illegible]

[illegible] adhuc deliberan[illegible] [illegible] hoc [illegible]
[illegible] et concordat tex. in §. si vero non fecerit in titulo. de
[illegible]

Et [illegible] antequam adeat hereditatem possit implorare Iudicis officium, ut sibi satisfiat de bonis hereditariis [illegible] ad quantitatem sibi debitam, et postea adire [illegible]

[illegible] tenet quod sic et [illegible] singulariter in [illegible]
[illegible] de iure [illegible] quando [illegible]
debitum [illegible] a venientibus ad [illegible]
successiones [illegible]
debitum ab illis tamquam debitis, et tunc tenet [illegible]
semper videat [illegible] aut [illegible]
tangente, et [illegible] videtur [illegible]
allegato; [illegible]

[illegible] contrarium [illegible] dire
[illegible] dictum [illegible]

[illegible] tale quid potest fieri citra nomen heredis,
et etiam [illegible]
[illegible] et [illegible] illud tex. in [illegible]
[illegible]
[illegible] articulo [illegible] eandem [illegible]
maior [illegible] habeat [illegible]
separetur de [illegible] testamenti [illegible] tex. [illegible]
[illegible] Iudicis

R[illegible] 4

De mittendis in possessionem hereditatis defuncti

[illegible] altram [illegible] [illegible] [illegible] in possessione molestari, et tali casu, quo alter [illegible] non potest sequestratio fieri nisi alia iusta causa subesset, [illegible] [illegible]

Ad [illegible] [illegible]

[illegible] [illegible] an deat [illegible] [illegible] se esse, [illegible]

[illegible] conr. 26. nu. 10. vol. 2. tenet, quod utrumque debet notare, [illegible] 10. Vide [illegible] lib. 6. cap. 83. Laur. [illegible]

[illegible] quoad [illegible] [illegible] [illegible] [illegible] in [illegible] maiorum [illegible] dicat se [illegible]

[illegible] locus [illegible] [illegible] cuius [illegible] agitur, an [illegible] locus domicilii eius, [illegible] [illegible]

[illegible]

[illegible] Antea heredis [illegible] quod accrevit [illegible]
[illegible] Quaerendum est de [illegible]

Quod est dicit [illegible] eius [illegible]
in [illegible] [illegible] stantibus [illegible]
[illegible] ante [illegible]

Quod eadem causa agitur, [illegible] expedit [illegible]
[illegible] [illegible]
[illegible] [illegible] Constitutio.
[illegible] in hac materia [illegible] communicatio cum [illegible] Rub. i & 4.

[illegible] Allegantur in [illegible] [illegible]

Legatis per heredem [illegible]

Si testator reliquerat nomine Legati alicui [illegible] conductionis
ad annos [illegible] conductorum [illegible]
[illegible] [illegible]
[illegible] conductionis [illegible] Legatum
[illegible]

[illegible] [illegible] propria authoritate
[illegible] [illegible]ndis.

Quibus casibus [illegible] [illegible] non
[illegible]

[illegible]
Locum [illegible] [illegible] tacite [illegible]
[illegible] [illegible] vide Michae[illegible] in tract. de
[illegible] [illegible] n. 43. 46. 47. usque ad 55.
[illegible] [illegible] [illegible] [illegible]
[illegible] alias [illegible] generi [illegible] sine [illegible].
[illegible] [illegible] n. 55. 56. 57. [illegible] quia
multa dicit, et hi invenies. In [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible]
[illegible]

[illegible] 50

Rub.ca 150.

De Predatoribus, et Robatoribus stratarum publicarum: et committentibus en[...] Carcerem: 5.

Ei Mat.a huius Constitutionis Vide Somes Tomo 1.o cap. 12. nu. 10.

Rub.ca 151.

De Modo procedendi contra Derrobatoris stratarum publicarum, et Receptatores eorum.

Rub.ca 152.

De Comunitatibus vere[illegible]antibus, vel iniuriantibus Officialibus Dominij.

Rub.ca 153.

De Pena percutientium Officiales Domini Locumtenentis.

Rub.ca 154.

De ijs, qui rapiunt, et auferunt pignora preconibus postquam illa receperint.

Statuerunt, quod precones ad vendendum concilii [illegible] [illegible] [illegible] dent [illegible] in scriptis, et quod familia non possit [illegible] [illegible] Bullettino Not. qui Notarius non possit facere tale Bullettinum, nisi transacto triduo

Rub.a 155.

De pluribus coadunatis pignora de manibus preconum rapientibus.

Quaestio 156.

De Potestate subrogandi Praecones et Iudicium.

Quaestio 157.

De Rusticis carizare non debentibus diebus Dominicis.

Rub.a 158.

De Apotecis in Villis non tenendis.

Nota an appellatione Domus veniat apotheca in legato. Vide Corn. in cons. 203, 8 vol. 4.o qui consuluit, quod non veniat

Rub.ca 159.

De prohibitione Armorum Rusticis interdicta.

Rub.ca 160.

De Praeconibus, et Cavallariis.

[illegible] iusta dicitur resistentia, quando homini iniusta appareret violentia, ut [illegible] fieret executio. ita Bald. consil. 374. vol. 3. et Matth. de Afflict. decis. 403. nu. 6.

Quaestio [illegible]

De Tempore, quo Massarii possint aut debeant relinquere Mansos.

[illegible] Colonus male versans in re locata possit ante tempus expelli.

[illegible] in [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] *

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] partiario.

[illegible] Colonus partiarius [illegible] ille qui [illegible] dividere fructus cum domino [illegible] notat [illegible] [illegible] [illegible] l. constante. §. 1. [illegible] Colonus ff. sol. matrimonio; et quidem [illegible] et in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ex notat [illegible] Bart. in l. l. merces §. vis maior. ff. locati. ubi [illegible] [illegible] contractu coloni partiarii [illegible] [illegible] [illegible] et in [illegible] l. [illegible] ff. illust. [illegible] [illegible] locati, ubi voluit contractu

[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ff. [illegible] [illegible] [illegible] [illegible] [illegible] Perati. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 70

Ratiũs [illegible] secundum naturam contractus [illegible]. [illegible] Jas. in l. item Servianas col. 2. et 3. insti. de actionibus.

Producere et [illegible] conductor [illegible] quia [illegible] Legis sunt scripta in personam, et ratio est, quia datio [illegible] actio personalis [illegible] si quis conductionis [illegible] Locat. et [illegible].

[illegible] quod de necessitate [illegible] in l. cum actu [illegible] ut [illegible] iuratte. l. si pater [illegible] de [illegible]. Bart. in [illegible] non solum [illegible] sed ut probant. ff. de operis nou. Nunciat.

An Lege Constitutio extendatur ad Conductores rerum Ecclesiasticarum.

Tenet quod non. Bart. in cons. [illegible] in cap. [illegible] de Constitut. et ibi [illegible] nu: 104.

[illegible] quod Lege Constitutio non habeat locum in re ecclesiastica [illegible] in [illegible] col: 134. ff. de [illegible]

[illegible]

[illegible] Mansus a [illegible] vocabulo d. a manendo [illegible] [illegible] [illegible] esse in [illegible] ff. de auro et argent. Leg: dicit [illegible] denotat id, quod unum [illegible] potest [illegible] Mansus d. [illegible]

[illegible]

[illegible] acquisitione [illegible] verbum territorii

[illegible] in [illegible] quaestione in [illegible] quaillus [illegible] de verbor. signif. [illegible] in [illegible], et [illegible] in [illegible]

Dees. [illegible] in errore. Nota quod opera rustica [illegible] colonus [illegible] facienda aer [illegible] mora [illegible] merces [illegible] conducitur, ubi Bald. ff. Locati.

Item Nota, quod colonus, qui opera rustica suo tempore non facit, est in culpa [illegible] merces. et oras. [illegible] in suis Miscell. Iur. lib. 4° cap. [illegible] nu. ix. [illegible]

Et nota [illegible] ad [illegible] cum [illegible] aeris cum qualitate, non sufficit aeris [illegible] probare [illegible]. Bart. in L. Iulianus § [illegible] ff. quibus ex causis in possess. ea.

[illegible] dicentes ad verbum scienter. Nota, quod actor det probare scientiam, [illegible] scientia det eam probari [illegible] in L. quidam consulebant ff. de Re iudi. Gram. decis. 81. nu. 11.

Nota, quod [illegible] nro. Stamm. similiter [illegible] Bononiae [illegible]

[illegible] si colonus accipiat [illegible] in [illegible] testatori [illegible] augeri [illegible] ex [illegible]

[illegible] quod non [illegible] in [illegible] de omni agro [illegible] quod nota.

[illegible] et [illegible] mansos [illegible]

[illegible] finem Remissionum [illegible] quod [illegible] Lanata [illegible] esse arrate, et gravate, et transactam sub 10. 8bris 1590. Vide [illegible] in [illegible] sed et eos in [illegible] exempta

[illegible]

De iure conduct. tenet. b. onus solvend. effectuabr. L. 1. § . uno. ff. de migrat. Concord. L. si merces. § . conductor omnia ff. Locati. §.

Ad verba et non aliter.

Nota quod inducunt forma. Tiraquell. de retract. convent. § . 4. gloss. 7. nu. 14. et ideo non sol impleri per equipollens. Comm. in tr.° de succ. univers. nu. 1. Et quod verba ista et non alr. indicant formam, tradit eod. Cun. cons. 2. nu. 8. vol. 2. et quod ista forma tradita a statuto debeat servari et in tempore, idem eod. cons. 57. nu. 10. et ad sufficien. servari per equipollens. ibidem nu. 10. vol. ... idem et pulchra ... de Benedict. in cap. Raynutius de testamentis in V.bo in eodem testam.to et relinquens primo nu. 20. vol. 186. et nu. 72. usq. ad 76. et nu. 109. in fine. §.

Ad Vers. Et Rustici sponte Mansos etc.

In Rusticis sponte Mansos dimittentibus de ... Meliorament...

... anno 1554 ... inter Nob. D. Joan. Joseph ... et eius ... quod teneretur ... lict dimittere in eade Renuntia, salvis suis melioram.tis

... anno 1557 die 6 ... melioram.ta ... di

Illustrissimo

Nicolai de S. Felice, qui renunciauerat in tempore, licet sibi melioramenta non reseruauerit in Renuntia, eo quia eius ... et Rustici sponte, det intelligi, quando Coloni abiecte, et extra tempus ... dimittunt mansos, vel recedunt ab illis, dimittendo ipsos. et sic intelligendo ... verba: quod Reparationem seu Renunciare dicatur in tempore, dimittere vero extra tempus: ...

Quid de Colonis licentiatis, an ipsi melioramenta petere possint?

... eod. ... ult. in finalibus ... statuit ... constitutio, quod Rustici non possint aliquid petere de expensis factis in ... quia ... propter eorum culpam vel defectum sunt de mansis ipsis licentiati. non igitur ... idem seruandum est in iis Colonis qui ... ex suo defectu, vel culpa, vel ex simili ... mera malitia ... licentiantur, unde melioramenta eidem ... debentur

... Scopus simplex statim ... Scribere ...

... quod sic; ... in ... et ... tunc ... ad ... ipso ... in ... pariter ... et ... Lib. ... emphit. ... in ... triennium ... et ... inducere ad ... tard.

Melioramenta ... nisi ... 27, 28, et 37. ... authoritate

auctoritate excadhi [illegible] conv. 105. [illegible] et Bart. in [illegible] rediconi [illegible] de [illegible] col. [illegible]

Intelligitur haec constitutionem, quod Colonus non potest relinquere manus, nisi tempore [illegible] quo debet providere, nisi Dni sint [illegible] vel non [illegible] pacta. Bart. in l. penult. Cod. de agric. et cens. lib. XI. [illegible] l. quaero. §. inter locatorem, et ibi gloss. et DD. ff. locati.

Nota, quod non sufficit probare datum commiatum, sed oportet probare datum esse tempore debito, quando ubi in aliqua dispositione, vel statuto requiritur tempus limitatum illud tempus debet publice denunciari atque probari, [illegible] post Bart. in l. non solum §. [illegible] ff. de oper. nov. nunciat. Bald. in l. natum. Cod. de probationibus.

Ad Vias. Adijciendi.

Quod particula huius constitutionis [illegible] tam in Colono renunciante quam in Colono licentiato, et [illegible] ob culpam, et [illegible] ipsius est licentiatus, terminatum fuit ab Ex.mo Duratio Vicario ad favorem R.di Conventus S.ti Francisci contra Nobb. DD. [illegible] et fres de Strassoldo v de [illegible] sub die 25 Aprilis 1640. manu Sp. D. Jacinti [illegible] Notarii.

Rub.o 102

Ne Custodes sup. Custodia pignorare
aliena

Rub.a 163,

De Penarum impositione contra Rusticos sup. Pascolis.

In [illegible]: Decernimus in super [illegible]

Nota quod ista [illegible] et [illegible] nostram [illegible] [illegible] in [illegible] semper [illegible] ut [illegible]. et [illegible] in [illegible] vol. [illegible]. Quod [illegible] in practica.

Idem Bal. in [illegible] 45. [illegible] vol. 1. et in [illegible] 40 nu. 8 vol. 4. Jas. in l. non solum. §. [illegible] nu. 3. ff. de [illegible] novi [illegible]. Idem Jas. in [illegible] nu. 3. ff. ne quis eod. §.

[illegible] Jas. in [illegible] 2. nu. [illegible] [illegible] emphi.

Rube

Rube: cons. 83, [illegible] constitutioni [illegible] nu. 74. et seq.; et plures concordantes [illegible] iure Communi: [illegible] alienando, vel contrahendo, possit iudicare aliquo modo Dno inuito, vel inscio / Doct. in l. Colonum, et ibi glos. Cod. de agric. et cens. lib. XI.

Rub.a 164.

De his qui minantur Violentias [illegible] [illegible] ad effectum.

[illegible] quod si quis de fama alicuius [illegible] non [illegible] [illegible] illum non [illegible] [illegible] in [illegible] [illegible] et [illegible] verbalis [illegible] molestatio, et vis turbatiua [illegible] cons. 171.

[illegible]

Rusticos.

C. Rusticis [illegible] imponitur [illegible] in iudicium habentibus [illegible]

[illegible]

C. In ista Constitutione [illegible] in damno dato, quod commune veniat emendari, si fuerit dato [illegible], procedat etiam in Furto.

Dic quod non [illegible]: adeo quod commune [illegible] emendent furta et [illegible] in hoc [illegible] [illegible] in [illegible] damni [illegible] damno [illegible] quamvis [illegible] damni [illegible] furto [illegible] in [illegible]

[illegible] damni

ff. damni inf. pro soc.

Adde. Notat ... Bartam ... in suo tract. ... qu. ... indi ... 823. fol. 390. ibi tenet, quod aliud e damnum et aliud furtum unde statuta loquentia de furto non procedunt in damno dato quia damnum e cum rei corruptione sive diminutione. furtum u° e cum rei asportatione et pariter statuta loquentia de damno non procedunt in furto, ut ibi plene.

An statuta disponentia quod si datum fuerit damnum in possessione alicuius et ignoretur ... communi et ... teneantur damnum emendare ... quod ... et immediate ... quod primo debeat constare, quod ... auctor ignoretur.

... ignorantia ... damnum dati ... [illegible]

... om. vii. et ... 24. fol. 2.

... in damno ... de nocte quandia non teneatur ... cons. ... nu. 4 ...

... damni dati tenea... contribuere.

... non ... determinat ... in ...

[illegible]

carte stantor, nu. 83. quem sequitur consulendo Rom. cons. 2. nu. 6. Felin. in cap. [illegible] causam, col. nu. 12.

Statutum, quod de damno dato stetur iuramento damnum passi, quomodo intelligatur.

Intelligitur tale statutum, quod stetur quoad extimatione damni, non quoad damnum: Marsil. sing. 338.

Item quod stetur iuramento damnum passi nisi [illegible] adversa contrarium probetur. Marsil. sing. 357.

Et damnum ex incendio emendandum a Comune ex forma eiusdem statuti non debeat emendari nisi constet non esse casuale.

Petrus [illegible] in tractatu [illegible] damna. nu. 30. quod non [illegible] incendium [illegible] Franc. de Rube. cons. 11. nu. 63. [illegible]

[illegible] qui hoc vers. [illegible] ol. cons. [illegible] [illegible] damum et damnum.

[illegible] ille qui [illegible] et damnum [illegible] comittitur.

[illegible] quod fit, et notissimum [illegible] in [illegible] omnibus. [illegible] [illegible] [illegible] [illegible]

Quando universitas tenetur [illegible] ut [illegible] facientes iuramentum [illegible] probatione.

Quod non. [illegible] in lit. iur. [illegible] 2. nu. 32.

Nota

Nota hanc particulam diligenter quia frequentissime accidit in practica.

Vide circa istud Clar. in sua practica criminali quaest. 82. vers. ... stat. supra ... tanto. ... de ... nu. 44.

Huius constitutionis meminit ... cons. 46 ... toto.

Item si quis inueniat alienum pecus in prato suo, quod dedit illi damnum, possit retinere quamdiu inueniat cuius sit.

Bald. in ... in fine ... de ser. fugit. tenet quod hic. Carol. de ... in 5a parte ... pag. 228.

Et circa hoc statutum ... tit. de ... nu. 42.

statutum hoc quod illud teneantur ad restitutionem seu emendationem damnorum datorum, an habeat Locum in qualibet Villa.

Dicas quod non sm. Marsil. sing. 232. nam tale statutum non habet locum in Villa in qua non sunt quinque homines ... Bald. in ... in ... quot homines ... ubi idem et dicit ... in ...

Addo in simili quod fama villa non sufficit nisi in villa non sunt nisi duo ... homines ... ita not. ... in ... et ... sequitur Bal. in margarita ... in ... fama in ... Vide ... Bal. ... supra ... ubi uideas contrarium tenere.

Rubrica 165.

De Massariis Casi ualerationis etiam si sint servi alterius.

An per hoc statutum Affictus, et debita contracta a Colono
seu Massario cum Domino suo pari passu ambulent;
et de quibus debitis intelligenda sit dispositio ista?

Conveniunt quidem a statuto hoc, Affictus et debita in eodem gradu,
et vult quod eadem habeant executionem. Tamen intelligendum est in
debitis descendentibus, prout ex verbis illis (et hoc constet) vera
per Instrumentum, sive per scripturam authenticam convictionis?
Item intelligendum est hoc verum statutum in debitis et bonorum
contractis

contractis durante locatione, et intuitu terrarum locatarum initis, ut puta in stadio dato seu semine, vel pro alimonia coloni aut familiae, et similibus, quae summam in se habent aequitatem, et ego sic libenter tenerem, ita ex aequo iudicandum.

57. Debitum contractum a Colono durante locatione praesumatur factum intuitu, et contemplatione terrarum conductarum.

Dicas, quod hic nihil contrarium a Colono probetur, quod scilicet ex alia causa extranea, et separata fuerit contractum, et ista omnia nota in practica in hac patria Forojulii ubi contra colonos creditores procedunt, et debitores dominorum.

Rub.a 167.

De Massariis non valentibus car[illegible]
[illegible] Dominorum [illegible].

Rub.a 168.

De Venatoribus Porcorum.

Rub.a 109.

De Mattarijs et Mattanza [illegible] non admittendis ad Testimonium.

Nota quod Colonus non est integer testis suo Domino. Roll. in cons. 81. nu. 25. vol. 4. et cons. 50. nu. 18. vol. [illegible] nisi sit Colonus eius momentaneus, [illegible] in cons. 100. nu. 8. [illegible] examinari [illegible] [illegible] [illegible] declaravit, non esse examinandum aliquem Mattarium [illegible], et [illegible] 156. [illegible] in aula qua habebat cum Domino Comitissa de Comitibus : manu [illegible].

Quando quis vult examinari [illegible] famulus, quid debeat facere.

[illegible] Vide cons. 5. nu. 8. vol. [illegible]

Nota Constitutionem Loqui de Mattario [illegible], [illegible], unde non [illegible] in Colono [illegible] momentaneo

[illegible] l. idem ff. de Testib. ubi dr quod idonei non videntur esse testes quibus imperari pot, ut testes fiant &

Rub.ca 170.

De Pena Falsi testis.

Statuimus quod testis convictus, quod falsum testimonium perhibuerit in Causa civili, et capitalis, iudicis puniendus est similitudine [illegible] se. pena illa, qua puniretur principalis si esset verum eius testimonium, ut est notatum in l. 1. §. 1. in verbo ad obligationem innocentia; ff. ad l. Corneliam de Falsis:

Si vero testis fuerit falsus in aliis causis, tunc [illegible] pena legis Corneliae quae est deportatio cum publicatione bonorum, iuxta l. 1. ff. eo. tit. in principio.

Secunda autem habent locum et in testimonio falsato non habuerint [illegible] quod requiritur quoad penam criminalem imponendam

testi

tali falsario . sed iudex pot convenire ad c ... actione
damni : arg. ... homine : ff. eod. tit. et ita tradit Ason
in ... canon . d. ... in fine ff. de ... : qui etiam
ait ibi ... falsarii ... ad arena
infame ... seu torquedum ferreum et dicit ita ... e
quis ... det ei ... a malus ...
ut ... Fas.

Rub.ca 171.

De Penis exigendis per habentes Garritum
ut Ius custodiendi Festa.

Rub.ca 172.

De Penis promissis coram aliquo Iudice
non exigendis.

Rusº: 73:

De Specificationibus no tollentibus iura
Creditorum.

Rub.ª 174.

De Bonis Homicida non confiscandis.

Rub.ª 175.

De Homicidis puniendis aut extra ciuitatem bañiendis.

Etiam si non esset expressum de Homicidio ex proposito et animo pensato, tamen ita intelligentur. Vide cons. 109. nu. 8. et legis Vol. 2.do

Rub.ca 176.

De nato ex libero ventre pro libero reputando.

Ratio huius constitutionis est quia partus quoad statum sequitur ordinem ventris licet quoad honores sequatur conditionem patris l. [illegible] ff. de [illegible] l. vendicat. iuxta [illegible]

Rub.a 177

De Seruo Communi manumisso

Rub.a 178.

De Salario Famulorum.

Nota quod lege Constitutio non habet locum in prouisionibus, doctorum, scientiarum, et artium liberalium. Bart. in l. tam et nostra de . . . . univer. et in l. . . . . . si mentor falsum modum dixerit.

. . . in famulis et Mercenarii quod . . . . transacti . . . .

6. mensibus nisi de minoribus retenti possint et summaria actio solutio, nihil prodesset interruptio temporis. se. remitto medio tempore facta in iudicio vel extra. Item tit. dig. fenis, iuramenti interpretationis dicitur. hic unum, at solutio, vel et cautio facta fit in toto vel in parte.

Nota quod est summario iuri et de iure, contra quod non admittitur notatio nisi per contentionem partis, ut notatur in iure. sed iam [illegible] notat ante [illegible] Castr. in consil. 162. [illegible]

Quando dominus potest arripere vestes
famulo recedenti vel pecuniam
de salario receptam.

Vide [illegible] et [illegible] in l. cen. [illegible] in fine ff. sol. matrimonio.

Rub.ca 70.

De Pœna contrahentium matrimonium sine consensu Maiorum.

Nota, quod ipsum Statutum non valet etiamsi factum contra Ligeantem ecclesiasticam. Dec. in Aur. l. cassa. nu. 3 C. de SS. Eccl.

Et si ad Confirmatione [illegible] dic. dic. [illegible] matrimonium [illegible] non valeat Comm. [illegible] contrarium tenent [illegible] [illegible] in L. [illegible] mag. huius Studij [illegible] 3. ff. de Iust. et Iur. ubi allegat [illegible] in suis consilijs, et [illegible] L. 1. ff. sol. matr. Curt. Seni. cons. 27. p. q. ubi de Communi [illegible]. Vide etiam Corras. [illegible] in cap. [illegible] lib. 2. nu. 5. in suis miscellaneis.

Ad Verba, Expresse Voluntate:

An filia nupta sine patris consensu debeat a patre dotari? Jas. in aur. nu. [illegible] C. comm. de [illegible]. Et an possit exheredari duobus concurrentibus. Scilicet quando contrahit matrimonium sine consensu patris. 2°. quando contrahit cum [illegible] persona. Quod sic Soc. in cons. 281. in [illegible] fallit. Contra [illegible] Jas. in aur. [illegible] Cod. de inoff. test. [illegible] Dec. in l. nuptias. ff. de rit. nup. et in Cons. 231. incip. Viso casu. [illegible] 20.

An valeat istud statutum. Vide Soc. cons. 12. Vol. 2. de [illegible]. cons. 91. nu. 3. Vol. 2. et in l. Seius. ff. ad [illegible] Falcidiam. Dec. in d. l. nuptias ff. de rit. nup. Ff. in Cons. 87. nu. 13. Vol. 2. ubi [illegible], quod non. Tu vide Concilium Tridentinum novissime factum, cui standum est:

Rub.a 180.

De Salario Advocatorum.

Rub.a 181.

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5.22. Dtext. et ibi Bart. in L. iudicibus. C. eo. dig. lib.

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Quod tantum ad filios primi coniugij adducitur L. 3. C. de secun. nuptijs, in qua statuitur apertis verbis, quod Lucrum factum a muliere de bonis primi mariti debet transmitti ad filios tantum ex eo susceptos; [illegible] a pari [illegible] idem de Viro, quod si [illegible] aliquid de dote primae coniugis, id totum ad filios eiusdem tantum debeat pertinere:

~~[illegible]~~ Contra considerari potest L. 3. [illegible] loquitur tantum ex parte mulieris Lucrantis, non vero Viri; neque id est [illegible], immo vel maxime diversa, nam mulier post mortem mariti non debet habere ususfructum patrimonij ipsius, sed spectat ad filios, et mulier [illegible] debet [illegible] suam dotem, quod si ex [illegible] parti ipsa mulier lucretur aliquam portionem de bonis mariti, sufficit quod tale lucrum sit quoad ususfructum [illegible] [illegible], et bene ratum [illegible] [illegible] [illegible], [illegible] ratione forte, vel mulier, si [illegible] ususfructum habuisset [illegible] [illegible] bonorum mariti. Vide [illegible] optime [illegible] [illegible] [illegible] [illegible] ad 2. [illegible] debeat transmittere post eius mortem totum id quod lucrata est ex priori Coniugio [illegible] [illegible] ~~[illegible]~~ et quod in [illegible] ~~[illegible]~~ usumfructum eiusdem lucri — [illegible] ex parte Viri Lucrantis dicebamus [illegible] ex lege [illegible] mortem uxoris [illegible], [illegible] dotis uxoris, unde [illegible] Lucranda aliquam portionem dotis, nil debet habere ultra ususfructum [illegible] [illegible] [illegible] habuisset, [illegible] tantum [illegible], quod ~~[illegible]~~ legis, ~~[illegible]~~ [illegible] rationi [illegible] [illegible] [illegible] [illegible] ex parte Viri [illegible], ac [illegible] [illegible] [illegible]; [illegible] aliquid operis, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ususfructum [illegible] [illegible] [illegible] [illegible] [illegible] ad filios utriusque matrimonij [illegible] [illegible] aequaliter [illegible]

Ad Rub. 126. ad quaestionem. An mulier possit disponere de dote constituta saltem quoad portionem maternam.

Adde. Pot. dici obstare Constitutionem 131. ibi. Dos matris censetur proprium patrimonium filiorum seu filiarum etc. unde det. sumi principium circa hoc negotium dotis, a matre eius, qui vult disponere de ipsa dote constituta, ita ut illius debeat, dotem constitutam quoad portionem maternam esse proprium patrimonium ipsius mulieris dotatae, atque ideo posse de eadem tanquam de proprio patrimonio vere et recte disponere.

Hec tamen interpretatio aberrat a decisione, et recta intelligentia supradictae constitutionis 131. Primo quia si ita deberet interpretari [illegible] casus, quod omnes dotes constitutae restituerentur dotantibus, aut eorum filiis, sed semper excideret restitutio dotis Maternae, quia eius constituta in bonis maternis, esset semper novum patrimonium filiorum. et tamen videmus esse infallibili experientia quod omnes dotes tam de bonis paternis, quam maternis restituuntur, dotata ultima dotata decedit absque prole.

Consideravi et video, quod si volumus scire, quae sit dos, quae fiat proprium patrimonium filiorum, debet attendi et haberi respectus ad ultimam dotatam aut melius ad mulierem, de cuius dote controversia est, et id illam de cuius dispositione agitur. Ratio est, quia cum mulieres auctrices eius, quae disponit non debeant ullas ante controversias, non est quoque in illa sed consideratione quoad formandum unum, an illa quae disponit, potuerit disponere necne: sed debet dubio procul inspicere ad illam de qua controversia: an valuerit disponere, vel non. Et hec consideratio comprobatur ab ipsa Constitutione 131. quia disponens circa restitutionem dotis, statuit quod

Dos constituta

Nota. Constitutione 126 singulariter prohibere in lieu dispositionem dotis constitutae: At constituitur eius dos etiam super bonis maternis et in magna parte materna est. quod statuta prohibitionem in bonis quod dotem maternam quod si nolueris prohib. de dote materna ipsam excedis [illegible] dispositione dotis constitutae: sed videmus et statuere constitutionem mulieris in bonis paternis et maternis etc.

constitutam restituatur: si filij moriantur in etate infantili, uel si moriantur ante mortem maiores annorum 14. et 12. respectiue ita ut intelligit certe de ultima dotata, non de antecedentibus: quia sicut ista dos ultime dotata ex omni ratione transit ... in filios in casibus expressis a lege: ita non si filios uel ... sed moriantur ante mortem ... dos ... dotantis: cum in his casibus. sicut et in alio ... nata proles concurrat fauor et finis conservationis familiar.

Ad eandem Rub.am 126.

An dos constituta possit alterari ... a muliere legata ad pias causas pro aliqua parte dotis, et an Monasterio, et monialibus?

Nota, legata relicta monasterio, et singulis ex eo, ut pie ... debentur: dicit Tiraquell. in tract. pie causa in princip. et ... quando est relictum pro anima ... Tiraq. ... relictum etc.

Nota quoque legata ad pias causas deberi et ex testamento nullo, ut dicitur ex Rub. 132. in fin. sc. ex testam.to nullo ... solemnitatis, ... ut notat post alios Tiraq. in 7. privileg. piis causis: sed ualet ... ab ... ad ..., statutis, uel consuetudine. Guerard. in topic. ... in fauore pie cause ... legata non obstante nullitate testam.ti debentur quoque non obstante statuto.

Praeterea res ... prohibita, ... Tiraq. privilegio 102. ... legat ... dispositio ... in ...

Plures extant sententie ... constituta, in quibus debentur ex testam.to nullo ... testam.ti ... dispositio ... dotis constitutae, ... mulier ... prohibetur ...

Contrarium tamen tenendum est ... quia ... dispositio testamentaria ... statutum quod nullo ... legata ... ad pias causas ... legato ... eiusdem ... legem ... causam ... ...

in [illegible] [illegible] ad pias causas semper intacta et licita fuere. Ad eand. Rub. 126. Sup. Quaestione:

An Conjugales, seu lucrum Dotis pactitand. in primo matrimonio extendatur repetitum in 2do.

Quod hic tenet, confirmat Mantica de tacit. et ambig. lib. 12. n.o 12. vol. p.o ubi sic habetur: Octavo extenditur quod Dos prioris matrimonij in posteriori intelligatur repetita etiam cum eius augmento.

Natta aut. in Cons.o 571. vol. 3. circa donationem propter nuptias tenet contrarium in alijs terminis, ut pot. ex lectura videri, hoc tenet ipse, quod donatio propter nuptias est facta tm. a Viro mulieri, non aut. sic est reciproca inter Coniuges, ut ibi n.o 5. et 9. hoc modo in augmento dotis, quod proficiscitur a Viro, et quod mulier non dat sed suscipit etc. Sed supponimus casum lucri reciproci quod actus secundarius regulatur a primitivo. Natta ibi n.o 3. sicut docet conductus ad legendum pro certo salario, si reconducatur intelligitur reconductus pro eodem salario, quia regulariter praesumitur renovatio contractus cum eisdem pactis, et qualitatibus Natta ibi n.o 4. et illud idem tenet Beroyi. cons.o 140. in p.o dubio [illegible] vol. 5.o Atque adeo obiectum non facit obiectio Nattae.

Extat pro adductis a favore sententiae [illegible], quod conjugales [illegible] repetita in 2.o matrimonio, consilium Ortanissimi D. Vicarij [illegible] in causa [illegible] et Morbidi, et dictum consilium seu sententia dicti Cons.o sapientis, ut casus sequentes [illegible] tot: extat de anno 1634. mensis [illegible]

Sup. Rub. cade 126 in fine

Nota ocurrit in causa inventarii Uxoris, que solum maritus haverat quedam mobilia, et tenea ad funeris expensas, sed in casu istam alter res se haber, et de quem expensas deducerunt a marito et dicunt aliquem —

Dic tamen ex inventarum inventum Mobilia relinquit Maritus heres tenetur imputando, et fit talis computatio, i.e. a Maritus Summa omnes et impensas funeris, residuum Mo. ...

Inducere tamen Mobilia aut che estimata aut inestimata, si estimata ista, cum ingrediantur in dotem et loco dotis, fit restitutio tempore restitutionis dotis reddita, idest, quanti illud, quod fuerit a reputata tempore consignationis, quia non dicuntur in dotem data, nisi de pretio constet: Soc. Jun. cons. 141 n.° 6 vol. 2.°

Si vero inestimata, compensantur ut dixi cum funeris impensis

Ai pomi che maior contradote, quam Dos.

Vide L. Ege. Cod. de pactis conventis sup. dote, ubi statuitur Lucrum de dote dictum ad minus sit id dotem et non plus che maius dote, et hoc ut servetur equalitas: —

Limita quando mulier melioris et nobilioris conditionis est, quam Vir, quia ipsa est sexo contradotem maiorem dote quantitate ratione equalitatis ::

Inde procedit lex citata quando Vir et Mulier sunt equalis conditionis et gradus: et procedit multo magis quando mulier est conditionis inferioris Viro, quo casu cum ... Sit

sit minoris gradus, tunc esset, quod bene [illegible] ne [illegible]
[illegible] etc.

Die [illegible] in [illegible] et stant in [illegible] [illegible],
ad [illegible] in [illegible]

Super Constit. 126. ad Vers sup dote autem Constitutam etc.

Verba illa, scilicet quos sibi Constituerunt, vel ex tunc donec [illegible] vero restituendi [illegible]
posita sunt per modum non [illegible], sed demonstrationis, expositionis et [illegible],
uno verbo, non dispositive, sed enunciative, ad demonstrandum sc. et
indicandum [illegible] dotem Constitutam, de qua non, velut [illegible],
[illegible], et [illegible] quando eadem dos [illegible] restituenda est, qui eam Constituerunt,
[illegible] intelligendo [illegible] tali [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] sed [illegible] in [illegible] [illegible]; [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] quos sibi Constitutionis, vel ex tunc [illegible]
dos [illegible] restituenda eos [illegible] eandem dotem constituisse,
et dotem [illegible] Constitutam, de qua non [illegible] [illegible] dispositionem
[illegible] [illegible], [illegible] [illegible]: Et certe, [illegible] ego [illegible]
[illegible] [illegible], per [illegible] ad [illegible] [illegible] significare, [illegible]
[illegible] dote [illegible] intelligere, indicando [illegible] [illegible] [illegible]
[illegible] constitutam, [illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
ex [illegible] [illegible] [illegible] [illegible], [illegible] vel sibi [illegible]
[illegible], vel ex [illegible] [illegible] restituendam [illegible], [illegible]; [illegible] eam
constituerunt, [illegible] Constituere, [illegible] [illegible] [illegible] [illegible]:
Poterat [illegible] [illegible] [illegible] dos constituta [illegible] [illegible] Consanguineis, vel
[illegible], quibus [illegible] non [illegible] onus dotandi, [illegible];
[illegible] dos [illegible], et dotam, [illegible] [illegible] dos constituta in

Stricti[illegible]

strictis terminis, de quibus non potest mulier disponere ; [illegible]
de velleiano [illegible] ; non potest mulier
disponere de dote constante matrimonio [illegible]
ad quos ipsi constante matrimonio vel ex pacto dos venit restituenda ; [illegible]
si ipsi constante matrimonio vel ex pacto restituenda veniat dos, non [illegible]
[illegible] dotis constitutae, de qua mulier non potest disponere
[illegible] de illa potest ad libitum disponere [illegible], cum vendat
[illegible] dotis datae et donatae, [illegible] in sequentibus [illegible] dicitur.

Ex quo intellectu cessat argumentum, quo argumentantur a [illegible]
[illegible], inquiunt ... ob causas [illegible] a muliere nupta disponere
de dote constituta [illegible], quae dos ipsum [illegible] restituenda [illegible]
vel ex constitutione vel ex pacto, sed [illegible] militare solummodo
non extantibus liberis, unde concluduntur, et recte concludendum
arbitrantur, in alio casu, liberis extantibus, posse mulierem
de sua dote constituta disponere, nec [illegible] manus, imminutam
à lege nostra municipali, [illegible] cessare etiam
legis dispositio. L. fin. ff. ad [illegible] [illegible] in statutis
stricte [illegible] interpretatio et sint in propria significatione
accipienda. L. non aliter [illegible] de leg. 3° in [illegible] de [illegible]
[illegible] L. Commodissime ff. de [illegible] et post [illegible].
[illegible], inquam, hoc argumentum [illegible] intellectu, in quo
[illegible] manifesto [illegible], [illegible] illam, sed [illegible] esse
[illegible] per modum rationis, nec ut [illegible], quae [illegible]
per dictionem [illegible] propriè denotat [illegible]
[illegible] ff de calumniatoribus [illegible] animo [illegible] ff de acquir. possess.
[illegible] dictionis [illegible] et [illegible]
aliis similibus dictionibus rationem denotantibus :
[illegible] minus [illegible]
[illegible] in [illegible], [illegible] non
[illegible] modum [illegible], sed per modum enunciationis, [illegible] ratio non
[illegible], sed [illegible] dictis, colliguntur clarissimè
ex eo

ex eo; quod illa verba pluries recitata, ad quorum nil ulterius disponitur quam ante dicta dispositio, sed tantum denunciatur; ad quorum conditiones tantum Constitutionis nil ex facto dicto dos venit restituenda. unde et ablatis vel omissis omnibus ipsius verbis, ad quorum si continentes totam comprehenditur in casibus expressis ipsius Constitutionis vel si recitati dicat, eadem dos dubio procul veniret restituenda. et sic est si non ipso potius fiedat illa verba tamen tantum ipso enunciativa, quae non regulare dicatur, sed tantum dispositiva. Ratio, quia (producit) quidem magis attendi qui dicatur ad text. in l. cum pater. 79. §. dulcissimis ff. de leg. 2° per quem text. Bar. in l. Pactilium. 36. §. fundus. ff. de leg. 3°. ait, quod si ratio alicuius dicto fuerit proposita non enunciative; alioquin modus rationis, et Caussa, ratione ipsa declaratur dicatur ad terminos dicti . §. dulcissimis. —

Deinde omnino dicendum est, ipsa posita ea verba per modum Enunciationis, cum potius sint ante dicta, etiam dispositionum dicti; Ratio autem, nostis ponitur nisi post dicta, ut sic eiusdem declarationem, et declaro sequi debeat verbum, quod declaratur: alii esset etiam monstrum declarare rem, redderis: atrium dicti, id nodum expositum est, in facto autem in Casu nostrae Constitutionis ita esse apparet ex lectura verbi. ad quorum sufficit dote autem. nam dicuntur, immo textus, et verbum Constitutionum, et, sua dote autem constitutam per patres, fratres, consanguineos, et alios, non potius dominia certari esse. et tantum fit inutilissime, ac veluti cavantes, post verbum, et alios, addendo fuit verbum, inexpendendo verba illa, ad quorum tantum Constitutionis, vel de pacto. Verbi ne velimus dixi ponere (Casus) ut dicitur, ante Bonis, deliramus absque illa recitatione affirmare, addita illa verba illa ad explicandum antecedentium verbum, quippe dotem constitutam per patres, fratres et

Addo quod dicis quod ut videmus in pluralitate Casuum, scilicet liberis extantibus. et non extantibus, si voluissent tractare de uno tantum Casu liberis non extantibus tantum exprimere debuit, liberis non extantibus, quo Casu dotis restitutio fieri debet, ubi fuisset dictum, Quando vel Casus quo

quae dictionis denotat tempus, et casum; et sic dixisset: de dote constituta per patres, fratres, consanguineos, et alios, quando ea in constitutione, vel ex pacto dicta dos venit restituenda, non potest dominatrix testari per quam constructionem esset omnis sublata difficultas.

Illarius animadverto, quod si intelligas verba illa, ad quos ex vi dictionis a notam ad exiguam inveniri materialis, quippe qui minus convenientem suo dicto scivisset reddere rationem: dicat n. illud e.: de dote constituta per patres, fratres, consanguineos, et alios non potest uxor disponere quod quidem dictum est absolutum, illimitatum, et generale: Ratio autem illius esset: Quia dicta dos in constitutione, vel ex pacto venit restituenda, quae ratio mutilata, restricta ac limitata est comprehendens solum casum, liberis non extantibus, quo casu tantum dotis restitutio fieri debet: unde ea non corresponderet dicto, neque contineret in ipso, ut in R. D. [illegible] considerationi, ut non esset, [illegible] dixit esse admittendum verum, ac Commoditas dicta exposuit Animo, de declarata dispositione.

Sed medullitus rem considerando, dico, inhaerendo finalem rationem, quod uxor non potest testari de dote constituta, et non extantibus liberis, non esse eam quae venit restituenda donatoribus, nam quare venit restituenda? quia datur, et constituitur dos pro oneribus matrimonii, ad L. fundus. 7. et ad L. divortio 5. ff. sol. matrim. quemad. dos petat. Et clare etiam in ~~[illegible]~~ Constitutione sub Rub. 123. ibi, pro quanto tempore illius anni quo vir sustinuit onera matrimonii etc. Unde si non superstites filii, cum cessent onera, dos restitui debet; sed hic R. D. onera matrimonii a contrario sensu urgent ~~[illegible]~~ si superstites filii, et vivat ~~[illegible]~~ nam et in casu ~~[illegible]~~ additi ~~[illegible]~~ onus, educandi filios, unde et dos debet transire in ipsos filios, ut si ex patre, et matre nati sunt, sunt et ab utroque valde alantur, et vivant; Et sic in R. D. finalis conditionis dotis, tempore onera matrimonii, mortua uxore absque liberis, efficitur quod tali casu dos reditur ad donatores; ipso quoque

Efficitur

efficere et conveniens dotem, quod si ex humanis decedat uxor
prole relicta, dos transferenda sit in prolem ipsam, quia nisi
sicuti in primo casu [illegible] dicitur dos, quia cessat
causa, ita in secundo remanere debet penes filios, quia
perdurat causa ipsa matrimonij. Ex quo

Nota. liberis non exstantibus admittitur favore Dotantis; exstantibus vero admittitur consideratione favoris ipsius prolis existentis.

dilucide colligitur, quod quamvis prohibeatur in Constitutione
i. 26. dispositio mulieris de dote sibi constituta, ob hanc rationem,
ut volunt adversarij, quia dos ipsa debet veniat restituenda
dotantibus, quod, inquiunt ipsi, procedere, liberis non
exstantibus, et sic non intelligitur prohibita dispositio in alio casu;
attamen, cum, ut supra dixi, restitutio non aliter de
ea veniat facienda liberis non exstantibus, nisi quia cessat
causa matrimonij, quae donantium dotem, in finali prohibitione in eo casu,
cum sit in alio casu, liberis exstantibus,
quod ob quam causam matrimonij vigeat et conveniat in finali constitutione dotis,
[illegible] sint matrimonij eiusdem, [illegible] proles; attamen
dos [illegible] a contrario [illegible], quod sicuti destinatur
causa matrimonij in primo casu et ea prohibetur esse
restituenda dos ad dotantes; ita existimari [illegible]:
tanta causa ... in secundo casu ea quoque
prohibita intelligatur dispositio ipsius de eadem dote, ut transeat in prolem.

Deinde ad elidendam admirationem erroneam meo iudicio, [illegible]
[illegible] pro vera [illegible] quod nempe [illegible] in
utroque casu, exstantibus et non exstantibus liberis, et in [illegible]
mulieris de dote constituta [illegible]; Ea enim limitatio
[illegible] de [illegible]; [illegible]
[illegible] dos [illegible]
[illegible] dotaria de dote [illegible]

exceptio ... limitatio ... in contrarium ...

absolute

absolute, et indistincte; quod si tantum de dote Constitutum non extitit: liberis [illegible] voluerint, exercitur sub dictione exceptiva, Nisi, et talis dotis Constitutio extare nolle, et dixerunt, nisi de dote ipsa omnium extantibus liberis; et nisi dos in eum legata sit, vel donata etc. excipit aut solummodo legatam, donatam etiam alteri [illegible]; [illegible] Casum dotis Constitutae prohibitionem factam [illegible] Statuentes intelligendum [illegible]

Eoque magis, quod de dote [illegible] vel [illegible], vel aliter [illegible] utrumque Casum exprimitur, [illegible] colligitur, quod utrumque et expressus fuisset de dote constituenda, si diversam dispositionem [illegible] voluisset [illegible] Statuens; nam utrumque Casum erat prae oculis Statuentis; non [illegible] dixit [illegible], [illegible] omissus fuisse; [illegible] necessitas.

[illegible] animadvertas, [illegible] Constitutiones, vel ex tacito [illegible] dos venit constituenda, nam si [illegible] [illegible] dotis [illegible] mulier disponere [illegible] extantibus liberis, [illegible] venit constituenda [illegible] iniuria afficere Cives Statuentes, [illegible] superfluum, vanas et inanes fuisse dispositiones, quod de dote Constitutum [illegible] extare nolle, [illegible] mulier disponere, [illegible] ipsa ex Constitutionibus vel ex tacito, [illegible] constituenda; ex quo [illegible] tacitis vel [illegible] dotis Constitutiones [illegible] statuere [illegible] dispositionem, [illegible] [illegible] [illegible], [illegible] nihil superfluum

sit

sit admittendum in [illegible], [illegible] [illegible]. [illegible] [illegible],
statuentes dispositionem absolute, ac sine [illegible] circumscriptione
quod de dote constitutum non possit mulier testari aut aliam
dispositionem facere, [illegible] [illegible] liberis, favore [illegible]
[illegible] [illegible], favore prolis, [illegible] [illegible] [illegible] [illegible] intelligenda
prohibitio statuti sequentis [illegible] [illegible] maxime inevitabile
attendendum, quod statuentes [illegible] [illegible] quod in [illegible] constitutionibus
istis [illegible] ex pacto [illegible] prohibitum [illegible]; [illegible] [illegible] [illegible] quod
[illegible] [illegible] simonia de aliquo [illegible], [illegible] lege, [illegible] conventione
prohibeatur [illegible] ex definitione [illegible] [illegible] [illegible]
[illegible] [illegible]. Comm.

Ex quibus omnibus clarissime constat [illegible] [illegible] [illegible] [illegible], [illegible]
[illegible], et [illegible] ad [illegible].
[illegible] [illegible] [illegible] [illegible] statutis.

[illegible] [illegible] [illegible] [illegible]

[illegible] ad [illegible] illa [illegible] constitutionis [illegible]:

[illegible] intelligenda [illegible], quod si [illegible] tali [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] statuto [illegible] [illegible] [illegible]
in [illegible] [illegible] [illegible] [illegible] =

Ad Rubr. 92. [illegible] licenis etc.

[illegible] consanguineus [illegible] cum ipso emunt, cui [illegible] ipse consanguineus, [illegible] facta collatio: Deinde consanguineus proximior [illegible] gradu [illegible] admitti [illegible] in integrum, [illegible] admittit reddendo sumptus illius litis, [illegible] integrum, [illegible] proximior [illegible] in aequali gradu. [illegible] defendere teneatur.

[illegible] inter [illegible] sumptus litis quod cum [illegible] satuit.

[illegible] Consanguinitatis. §. 29. [illegible] et [illegible] 13. [illegible]

[illegible]

Vide [illegible] decisionem [illegible] in suo [illegible] Decisionum decis. 23. [illegible]

[illegible]

[illegible] in [illegible] decisione [illegible]

Apostillae

Super Patriae nrae Constitutionibus olim Celeberrimi D. Tiberij Deciani J.C. Utinensis Comitis, et Equitis.

Ex Matre Abavi mei

Nota quod istae Constitutiones fuerunt factae in Parlamento generali / in quo interveniunt et Praelati, ex quo sequitur, quod istas / Constitutiones et Clerici ligarent, ut in terminis tenuit Petr. de Ancharano cons. 19. in quaestio. quae vertitur, quam vide omnino. Et melius, et plura adducente vide Tiraquell. in tract. de utroque retract. § 1. gloss. 13. n. 2.

De Religione. Rubrica prima

Ad laudem, et gloriam etc.

Nota, quod orare Deum est ita bonum, quod nulla actione potest fieri malum, Bal. in cap. cum ab omni. de Vit. et honest. clericor.

An cognitio de haeret. spectet ad Iudicem Ecclesiasticum, vel Secularem, et quid si Iudex incipit cognoscere qui sit Ecclesiasticus, et cognovit, et condemnavit, et eum misit puniendum Iudici seculari, an Iudex secularis teneatur stare processui per Ecclesiasticum formato

Et omnibus:

de omnib. Ang. de malef. § nec non ad denunciationem. n.° 13. et 19.

Quid modo si esset consuetudo communis de [illegible] demandos, ut nunc viget per totam Italiam, an [illegible] excusaretur a pena sic imposita [illegible] quod consuetudo etiam mala excusat a pena, ut per plura [illegible] [illegible] in [illegible] n.° 8. ff. de legibus.

Et nota ibi Allicientes, in quacumque Conditione, in qua reperitur istud, quod idem ius intelligitur repetitum in additione quod dat [illegible] in Statuto etiam contrario ad penam, unde pena contenta in principali Statuto habebit locum etiam in additione. Consil. [illegible] sing. 20.

De feriis in honorem Dei introductis.

Rub. 2.ª

Nota quod saepius occurrit. Si aliquis fideiussor conveniatur tempore feriarum, si ipse fideiussor non potest, eodem tempore feriarum, quia [illegible] feriis non obstantibus cum eo proceditur, ille eodem modo potest convenire Reum principalem, et non obstantibus feriis cum eo procedere; hoc not. Bal. in l. 3.ª Cod. de execut. rei iudic. [illegible] not. [illegible] etc.

Item nota quod pluries accidit, quod [illegible] contradicit ponens terminum comparandi ad [illegible] iuridicam, et in feriis citatur ad videndum cassari Contradictionem, vel ad procedendum super Contradictione,

et [illegible] ad

et si non comparet contradicens citatus eius contradictio cassatur in Contumaciam, et tn fieri non det, ut est in l. pa. ff. de ferijs. non obstat qd dicunt Aduocati, quod [illegible] debet uenire ad allegandum ferias, quia quando notorium e non tenetur ad procedendum propter ferias, non tenetur comparere ad allegandum beneficium feriarum, ita dicit ibi glossa i. x. nullius de hoc est. gloss. 6a. de qua caso si Episcopus, sic dicit, tutius esse, quod ueniat ad allegandum priuilegium.

Plura, et ad satiritatem de die dominico maxime ca. uacationem Operarum uide omnino Luc. de pen. i. l. ima C. ne oper. a collat. exig. lib. Xo. per totum.

Ita, quod istis ferijs in honorem Dei non per contrahi partium remunciari. l. si feriaris. ff. de arbitris, sed bn in Compromisso arbitratorum, ut ibi ff Bart. et ff Spe. in tit. de Renun. conclo. 11. pone p. Xa. cola.

De Hora, qua Iudicium seruari det in plena earum audientia, et qua litigantes dnt se presentare

Rub. 4a.

super uers. q. si pars contumax uenerit etc. §

Et an si Procurator fuit Contumax, ipse uel Dominus teneatur soluere expensas

expensas Jas. in L. p.a §. si procurator : n.o 18 : ff: si quis Ius di. non obtemper. //

Ad uers. Adijcientes.

Et nota, quod maior est Contumacia actoris quam Rei, gloss. est in cap. 2.o in glo. 2.a in fine et Gemin. de dolo et Contuma. in 6.o. Et poena imposita reo illigitur imposita et actori; et est gloss. in L. ff internallud ff: de Iudicijs : Et ad quod nota quod stante, quod est commissa citatio, quod quoad eum, ad cuius instantiam committitur, dicitur in pendere dato quod non peruenerit ad notitiam citati; Vide Nars. in eadem lege, in in. L. Verb. sign. n.o 47. //

Et ex hoc arguo, quod si quis leuauit literas appellationis, quas tamen non presentauit, potuit tamen retrograde citari, prout obseruatur Venetijs.

Ad Vers. Verumtamen —

Ex quo nota, quod sententia inter miserabiles personas lata, in qua procedit summarie, tamen non potest reuocari solutis expensis, quia illa non dicitur sententia diffinitiua, ut infra sub Rub. 9.a in fine

// —

De Potestate Iudicis in Chirographis Eorum.

Rub. 5.a

Nota ibi et secundum Locum et in precedentibus, quod istud statutum uel aliud similium dans et exprimant, quod secundum Locum et in precedentibus; tamen non

non debent locum ... in praeiudicium ... ea, quae ... non dubium. C. d. eg. n.° 15, quem vide omnino ...

Et nota bene, quia ... plures conditiones ... ista verba, et ideo adverte, quod vere dicitur lis pendere per simplicem citationem, quod intelligas, quando citatio pervenit ad notitiam citati quantum ad ipsum Reum ... quando ... quantum ad Actorem ... lis dicitur ... citatio, quia ... est ipse certioratus, vide omnino ... in pr. de ... n.° 47.

Advocatis ab una parte informatis adversae parti patrocinari non debentibus. Rub. 6.a

A. ... palam, ...

Nota quod si Advocatus ... crimen falsi ... malef. S. falsari. n.° XI. Similiter ... ... n.° 34.

Quaero unum casum, qui saepius occurrit, ... Advocatus salariatus ... in omnibus suis causis, ... et conducendis a B. in omnibus suis causis, an teneatur patrocinari B. contra A. Dic quod non, et hoc ... obstante habeat salarium, ... in gli sermone ... obliga... ad contravenienda ... quibus ... fidem dedi: ad hoc vide ... Paul. de Castro. cons. 296, incipit ...

to punct. in 1.ª coll.ª in § 4. §.

Ad vers. ult.m et una ca. et eadem §.

Item dicit infra sub Rub. 8.: inst. et quoad Comitem.

De dilationibus: dandis ob Procuratorum, vel Advocatorum: absentiam. Rub. 8.ª

Nota. Veri. qd etiam de iure communi propter absentiam Advocati datur dilatio. l. ab hostibus in fine. ff. ex quib. caus. maior. Nota. gloss. in c. 3.º Ut lite non contest. et melius Hyp. de Marr. in Rub. C. de [illegible] notat n.º 131.

Ista aut talis absentia Advocati quo modo probabitur!

Dic quod potest probari per iuramentum partis ita Hyp. in Rub. Cod. de probat. n.º 132.

[illegible] talis ... Statuti [illegible] ... absentia advocatorum ... in causa dixit Bal. et ... [illegible] ... non esse suspendendum ... ante litem contestatam ... ante litem contestatam non ... causa ... Vide ... in ... n.º 42.

Ext[illegible] unum ... quod iste consti. non ... in ... constitut. in quibus procedi[illegible] ... et figura iudicii

[illegible]

q.o non erit in illis casibus tanta ditatio ob advocati absentiam, cum procedatur sine strepitu advocatorum; ita sigr. Zoit Bart. in eius ... repertorio in ... sine strepitu, quem sequuntur omnes DD. in Clem. ... in X.o sine strepitu, et figura;

Et post eadem, quod in his causis plenariae suo auctoritate sicuti iuris terminis ... L. ... ff. ... obl. ...

Ad verba: Et quoad primum &c.

Idem dixi supra sub Rub. 6.a in fine.

De piis favoribus miserabilibus personis, et alijs pauperibus in iudicio gravi ... Rub. IX

Ad Verba, Vbero Procurator &c.

... sive Conventionem ... Statutum Excell.mi ... et ... Notariorum deriganda ... Advocati et Notarij Pauperum.

Ad illa Verba, sine strepitu, et fig.a Iudicij &c.

Quid modo ... in istis Causis miserabilium ... ad ... plenam ... cognitionem? Dic, quod illud nomen, plenam, intelligitur ... quod causam summariam natura requirit; item

Imol. in clem. lege, ibi dicit. quem refert, et sequitur Marb. ibidem in pr. col. 4. n.o 272.

Adde, quod ista in ..., sine strepitu si raro uellet loqui in fine iudic., ... debet ... ate diceretur eum grauare, sicut in causis ordinarijs seruis ... Bar. in extrauag. ad reprim. in ... sine strepitu.

Et nota ... quod in istis causis, in quibus proceditur summarie, simpliciter, et de plano, si ... uidentur ... ad soluendum ... non executio in causis; hoc tenuit Soc. cons. 24. Vide hyp. ... Mars. in ... de fideiussoribus n.o 12. et 13. ... ; ... incognitum ...

Et nota ... bene quod ... sententia ... istis causis summarijs ... sententia ... et ideo non ... sederent ... sub ... de sententia ... , ... non esset ... sententia ; ... in ... imperio ... iurisd. ... iudic. —

De Verbis iniuriosis in iudicio dictis. Rub. XXI.

Nota ... istud ... de iure communi ... . Vide ... crim. cass. 5. col. 3.

Quid modo ... dicimus ... in iudicio non dicimus animo iniuriandi, ... ibi.

De Citationib., et qualiter contra Contumacem procedatur

Rub. 24.

Ad verba, Cum libello, seu Cedula continente &c.

Not. quod ista Citatio facta per nuncium, vel per epistolam in scriptis habetur perinde ac si quemque Judex citasset ore proprio: ita Bald. Consil. sing. 36.

Et illis verbis, et reficere expensas per eum per judicium illico taxandas.

Hoc est de Jure Comm. L. sancimus. C. de Judic. adeo quod si unus denarius deficiat non debet audiri; ut not. Bal. in d. l. conquerente. de restit. spol. in pa. col.

Et not. bene ibi in illis verbis, illico taxandas, quia si expensae taxatae non ..., non sufficit offerre, ut not. voluit Bal. in auth. generaliter. col. pe. quero, numquid. C. de ep. et cle.

Et not. quod licet ista Constitutio, et materia d. L. sancimus loquatur in Reo; idem tamen est in actore Contumace, ut ibi expresse not. Bal. Salyc. et Paul. referendo se ad id, quod de actore dr in d. l. properandum. §. Si. et siquidem. C. de Judi. per totas abtinuisse contumacias.

Ad verba, Jurare teneatur &c.

An contra ... Juramentum possit probari, et in quibus casibus, vide per Ang. illi

qui propter [illegible] mad. contumacie in Bacq. mal. [illegible] ad deaudiano-
num, n.º 15. q. nota. et ibi Lanni n.º 16. et n.º 18.

Ibi ubi in Conuentus fuerit gmatr [illegible] —

Et quod qui dicto beat. [illegible] citari vide omnino Dec. cons.º 460. n.º 25. et n.º 29.

Et nota quod [illegible] quis non pot. citari ad domum sed requiritur [illegible] quod sit
citatus personaliter, postea ad domum, ita [illegible] Imol. [illegible] in c.
[illegible] aduersarius. de eo, qui mittit. in possess. ca. rei [illegible]:

Et an sufficiat, quod sit absens a Patria, vel a Civitate,
si moraretur ad [illegible], quod [illegible] citari ad domum. [illegible]

Vide Imol. in c. cum quo . n.º 3. et Dol. et contumac. . et c. cum olim
n. 8. —

[illegible] quod si abstinens lite [illegible] malitiose [illegible], et ideo et
in sententia diffinitiua sufficit citare ad domum, [illegible] procuratorem
[illegible]. Ita [illegible] Imol. in cap. cum quo n.º 2. et 8. et Dol. et
contumac. ~~[illegible]~~ 20.

[illegible], Ante domum sue habitationis, et [illegible] plate.

[illegible]

[illegible] in [illegible] Bal. in [illegible] de cons. n.º 8. ubi dicit, quod [illegible]
si non [illegible], [illegible] consulere, vide ibi [illegible]

Et nota: [illegible] non sufficit aliquem citari [illegible] nisi [illegible] in [illegible]
suo, et in Terminis istius statuti [illegible] debeat fieri Citationes vide
omnino Bal. cons.º 382. vol. 1.º in [illegible].

[illegible] [illegible], [illegible] contumace in [illegible]
habeatur pro Confesso, si in Contumacia persistit usque
ad Sententiam —

[illegible]

Habeatur pro confesso; Nota unum valde notab: quod ista Confessio ficta validat processum invalidum ... p. cons. 40. n. 18. licet nescio an sit Verum.

Quid mi si sequatur Judicium talem Contumacem esse Innocentem, ... cui [illegible] in possessione: ... an eas debeat pro confesso promulgare? Vide Hyp. et Marsil. cons. 16. n. 16;

Et nota bene illa verba dato, quod loquitur in Criminalibus; nam loquitur in vera contumacia ... in quali contumacia, quia ... quis ... non ... vere ... et non respondet ... ille non ... verus contumax, sed tamen quasi Contumax; Et est Ratio quia ille qui non comparet ... in duobus: et ... non comparet, et quia non paret, secus in illo qui vult respondere tamen non respondet. De hoc vide ... cons. 134. col. 2. ... et vide omnino, quia est pulchrum.

Et nota bene hoc statutum quod Contumax habeatur pro Confesso, ...

An si fuerit citatus ex ... Judicis
Citatis, an eo casu erit Contumax?

Dic quod non. Vide plura per Hyp. et Mars. in ... de iur. ... n. 135. et seq.

Et nota ... dato quod hoc statutum velit, isto iure ... pro confesso, ... necessaria est ... iudicis ... Contumace: ... ad ... et mar. ... Hyp. ... cons. ... n. 18. ... Leg.

Item: ... non obstante isto Statuto dato, quod Citatus non compareat, et sit Contumax; tamen ... debebit ... Vide in ... Actum ...

... ...

Nota tu quod ubi ratio ad ... mitti ratione ... , ... ratione ... , ... ratione tunc ... non haberet, ... : ... cons. 117. n.° 38 ...

Ad verba petere potuit ... in possessionem ... :

Nota tu, quod tam ... citatus non compareat ... mittatur ... aliquis dato quod ... habeat ... , ... mittere possessionis ... in cap. ... n.° 4. ... in poss. ... rei ... .

... non quod etiam ... rei ... adversus eum, qui missus fuit ... in cap. ... n.° 5. ... eo, qui miss. in poss. .

Ibi possessionem ... :

... quod falli ubi ... illa in qua ... missus erat obligata et hypothecata ... quod ... nam tunc datur ... , ... ille poterit ... , quod ... et ... contingit : ita ... cons. 449. n.° 22.

Ibi Verus possessor constituatur :

... ubi ... missionem ~~...~~ ... ex ... et ... , ... super possessione ; ita ... in c. constitutionibus . n.° 7. ... ubi idem ... fuisset ... ex ... causa . Vide omnino

... et ... .

... in

§. in alijs etc. ubi Lis non contesta.

Ad vers. Relationis etc.

Nota quod videtur tibi videri citationis Relationum non esse indicare omnino ex Comm. [illegible], vide ad hoc Elucid. accumulatam per Seyp. et Marc. cons. 8. n. 3. et 4.

De Cautione praestanda per Turrigos. Rub.a XXVII.

Nota bene ista Constitutionum in [illegible] [illegible], nullitatis audiat, [illegible] executio e [illegible], et ideo non potest opponi tibi, post [illegible] [illegible]: Et nota quod [illegible] habens causam Continuam, potest opponi in quacunque [illegible] [illegible] et [illegible] quod non [illegible] [illegible] [illegible], [illegible] [illegible] faciendos ita [illegible] [illegible] M. Ferarien. n. 20. et consil.

De Termino ad opponendum contra Mandata concedendo, vel non: Rub.a XXIX

Et nota quod istud est et de Iure Communi ita [illegible] Bar. in L. R.

L. de pupillo : §. qui procur. in p.° oppos. et ibi ar. ff. de op. nou. nuncia: ubi dicit, quod procurator non teneatur [illegible] idare quando ostendit instrum. in publica forma in Iudicio, et dare copia, ut deliberetur; nam si postea nulla causa allegetur iusta contra instrum. Licet instrum. negetur uerum, non obstat immo iuuatur procuratorem a satisdatione; quia n.° ex illa ostensione instrum. authenticatus, quae nunc non reddatur ius certum, si negatur instrum. uerum, quia multa contra instrum. obijci possunt.

De Libelli oblatione Rub. XXXIIII.

Nota quod licet in his minoribus causis procedatur summarie, et sic non requiratur lis contest., tamen primus actus, qui fit inter partes circa merita causae, habebit uim litis contestationis : ut dicit [illegible] in cap. cum M. Ferrarien. de const: n.° [illegible] med.

De Confitentibus debitum in Iudicio.
Rub. XXXVI —

Ad uerba, quoniam cum sponte confesso minus est agendum &c.

Etiam de iure Com. parcitur sponte confitenti : L. quisquis. C. ad L. Iuliam Ma[illegible] et ff. de re milit. L. non omnes. §. fin. et de custo. reor. L. nem. in fine

in sue et d. alie. Iud. mur. ca. tact. ... et ... roq: et favorem melioris dt innuentis sponte confessus, quia Conuictus XV. q. 6. c. 1. et ... Ann: IX. dist. ... c. ... et uide l. d. c. iij. c. hoc aut ex d. symo. c. fi. & ... Quod tu uerum intellig nulla examinatione precedente, alias secus. iuxta illud, Misericordia et Veritas obuiauerunt sibi, ... XXXIIII. c. fin. et l. d. c. ... et XXV. q. ult. c. si quis ... et arg. ff. ... et ... XII. q. ... non ... q. V. c. ... et q. VIJ. c. 2º. l. ... adulterium ... idem ... ff. ad adulterij ...

De ... Lib. ...

Rub: XXXVII

Ad Verba, petierit principaliter personam ... :

... quo ... dominus e ... de ... principalis ... ad ... cum ... ibi ... in l. fin. C. de procurator: ...

Ubi, dicta petitiones habeant: ...

Potest dubitari, an ... sententia iudicis, ... nul. ... in ... n.º 6 ... in ... uideatur ...

Et an

Et in hoc positio fuerit de iuribus, etiam aliqua erant vincitalia(?), aliqua incidentia, enunciativa, vel demonstrativa, in quam huius stantia(?) [illegible] garam(?) consistam omnia: vide Cur: in d° tract. n. 7. —

Sed quaero modo:
an Appellata nascatur declaratoria, quod reatur(?) i.e. confessis, negator, vel nolens respondere accedit, quaero, an illa [illegible] transeat contra haeredem.

Dic quod non: licet dubitant [illegible] de facto per animaverse Doctores [illegible] [illegible], et tantum [illegible] decisive: ita Cur. in hac: pos n. 71. —

Quaero modo
Statuto a iudice termino X dierum ad probandum, producto capitulo, pars contraria dicit non esse admittenda donec disputetur an sint admittenda, vel non, an [illegible] currit terminus.

Dic quod non: Simili modo si in termino [illegible] et pars deferat iuramentum, quod [illegible] cum terminus probatorium: vide omnino Cur. in tract. de iur. cal. n. 4, ubi omnino videas. Et ibi n. 6 quod si quis tenetur edere instrumenta [illegible], non currat tempus datum ad probandum.

Licet positiones admittuntur post Conclusionem(?).

Nota tamen [illegible] quod licet in [illegible] possit post litem contestatam iurari de calumnia, non tamen possit [illegible] iurare(?) [illegible] positionis: et [illegible] positiones [illegible] pro Confessatis; vide omnino Curtius in tract. de iuram. calum. n. 25 &.

De

De Juramento Calumniae · Rub. XXXVIII

Nota quod tale Juramentum non praestatur in Causa nomine, vel ubi proceditur in Consilium; vel ubi agitur super [illegible]: vide Cer. in hac · S. Jur. cal. n.o 3.

Nota quoque: quod ipsum Statutum non pot. contrariari Consuetudinem [illegible], liber omnino [illegible]: idem Cer. ii. S. n.o 20. in fi.

Et peremptoria prima instantia datur Juramentum etiam in 2.a ibidem n.o 26.

Tutor, Curator, et similes tenentur iurare in anima sua, non in anima pupilli, vel minoris [illegible] ibi n.o 27.

De Allegationibus Manutentorum · Rub. XXXVIIII.

Ad verbum Interponere, et [illegible] ipse manutentor;

Hoc nota: [illegible] etiam de iure, quod [illegible] interponenda, et eam [illegible] n.o 74. et diligenter [illegible] n.o 13.

Si in Manutentionibus alios Manutentores allegabitur

Nota: [illegible] fuit iudicatum sub die 18. Marii 1533 manu [illegible] Bilioni in causa [illegible] Sancti [illegible] Joannis de [illegible], [illegible] declaratum fuit, quod [illegible] non

teneantur

teneatur liberare [illegible] manuvelere dato quod et [illegible] ab manuvel-
tonis [illegible] attari —

De Dilationibus dandis actori, et Reo.
Rub.a XLIII —

De hac mat.a vide [illegible] sub Rub.a 37. —

Et not. q si actor in [illegible] terminis [illegible] statutis [illegible] nihil probauerit
non [illegible] d. [illegible] de causa; et ideo Reus non venit absolui de-
finitiue, sed solum ab instantia, seu [illegible] iudicij, quod tn. fallit
in duobus casibus: Primo si terminus [illegible] iudice
ultra istas dilationes datas per statutum, q. tunc potest deueniri
ad diffinitiuam [illegible] Secundo si actor esset pns, et Reus pete-
ret se absolui, q. tunc [illegible] potest deueniri ad diffinitiuam;
ita [illegible] in [illegible] 17. et [illegible] 169.

De Testibus. Rub. LIIII —

In terminis [illegible] Statuti admittere indistincte [illegible] salvo [illegible] impertin-
tentius

rentur et non admittendor. Vide omnino Greid. Lap. c. 47.

Et quid importet ista reservatio, salvo iure impugnatorum, et quod ista reservatio sit Iuridica et non existente Statuto. uide Dec. cons. 162. n. p. nisi fallor. Et quid differat reservare ad meliorem causam. Mars. et afflict. 2. Vol.

Adv: quod illud dicendum indistincte, post inferri, quod non reant reservatio significato Captorum, quae indistincte, exponitur, i. non determinando, l. libertas. §. fin. cum gloss. ff. de man. testa.

Adde dubitari de ualiditate istius Statuti, quia immo ualet Statutum quod Iuramentum calumniae reseruetur in calculo ferendae sententiae. Vide Barb. in c. quoniam. in 2a col. de iur. calum. ubi plures refert, qui ita tenuerunt, licet ibi Abb. contrarium teneat.

De Litteris Obligatorijs, et Scripturis priuatis.

Rub.a LIIII

Et de talibus litteris, hoc chirographarius an, et quando probent uideas omnino latissime per Bal. cons. 384. in pri. Vol. et in nouis, ubi plura ad materiam reperies.

Has litteras securitates appellat. l. securitatibus: C. de Apo. pri. 16.

Quid modo si aliquis neget chirographum se fecisse, an ille, qui fecit chirographum, teneatur opponere exceptionem non numeratae pecuniae.

Vide in d. l. securitatibus maxime in gloss. in fi. in illis rationibus quas dictat

attar

ibi, et citari faciat.

Dicto: quod istud mandatum dici debeat esse iustificatorium, quia sentit de gratia et iure, et utrum ibi sit mandatum quod solet practicari: de quo vide ... in c. ex parte i° eiusdem tituli ... in glossa ... vide omnino ... ... commissio, et ... emissione, ... et quotidie ... in practica:

Ad verba. Si aut comparuerit in termino, et contradixerit, seu proposuerit literam fore scriptam de manu &c.

Dico: si citatus dicit specifice non negat ... sed tantum dicit, ... narrata ~~...~~ , prout narrantur, videtur ... negare literam ... ea conceptam ... quod ... actor ... ... adducat ... in Rapsodia ... in gene ... inter ... n° 30 ... ... ubi tenet, quod debet ... iustificare literam, et alia sibi incumbentia.

De Citationibus in Curia Execri

Rub. LVIII

Ad ... ... et ... cons.° 663. ... totum.

Sup. Verbo, Cafforcium.

Nota: bene, quod istud nomen non reperitur in toto corpore

Iuris

Iuris nec Civilis, nec Canonici, sed tamen est inuentum a Consuetudine Patriae, et ab istis omnibus: Unde bene nota quod ex hoc uolo tibi dicere unum, quod non committatur exforcium nisi in casibus in istis Constitutionibus expressis arg.to eius, quod not. Bar. et Jo. particulari a consuetudine tamen inuento in l. 1a circa fi. ff. de rob. sub. et in l. si ita ... fi. ff. de auer. et arg.to legat. Et ita in terminis in nostra Constitutionum nostrarum per superadictum; ... in const. hoc 278. in fi. 2a col. quod nota, quia seruit ad multa.

In quibus casibus committatur Exforcium.

Rub. LVIIII

De ma... Exforcij vide quae monui sub Rub. turbata possessione ex...

Et de ista materia Exforcij vide omnino Guid. Pap. in decis. cur. delph. q. 552. ubi loquitur de causa Nouitatis, quae idem est cum exforcio ... uere ... et aliquid etiam ... in q. ... in n. 2. et q. ... 85. ubi instruit qd ... sit.

Nota tamen, quod quando plures intrarunt possessionem aliquam de mandato alicuius, omnes ... dant eandem poenam de exforcio, sed tamen quia causa exforcij dedit, et sic principalis ... de hoc in Consilio Ducalis in lib. meo 44.

Si: Occupauerit, seu inuaserit manus.

Nota bene ista verba, quia ... sunt ... in ..., unde

si dicerem in libello, uti in articulis, proponendo contra tantum, qui uio-
lenter, et de facto intrauit, et turbauit eum in possessione, an obtineret
et ille diceret: conditio expolij ! Dic quod non, quia solum
dicit, quod uiolenter intrauit, non quod occupauerit, seu inuaserit.
ita in tribus terminis Constitutionis tenuit Paul. de Castro cons. 5. alter. 274.
in causa expolij : Et nota bene illud cons. quia raro reperies ita in
specie nostrae Constitutionis :

Sed, aut tenuta.

Ex hoc bene aduertas, quia per istud uerbum dubito, an Colonus, qui habet
simplicem detentationem possit agere de expolio : Cogita, quia
proinde non sit syndicus : Et hoc etiam dubitauit Excell. doc-
tor D. Odoricus Merula in Apostillis suae Constitutionis.

Item noto, quod ego prout dixi uidi dubitatum a pluribus Excell. Iuris
Doctoribus : An colonus possit querelare de expolio :
Et ad causam dei reperi hodie Bononiae 18 Xbris 1531. et
decisione ad partes duorum ; Alex. de Mal. in 4. dicentes, et
dicitur in nº a. tenet fere in similibus terminis, quod non potest
colonus, uti conductor accusare, attar Bar. in l. si fur-
[illegible] ingr. et in l. si fuerit ff. de furt. et Iac.
Alex. cons. 139. 2. vol. Vide etiam Clarius Ripa
in genere c. septa et nota spol. nº 18.

Si in territorio ducali.

Vide not. quod ex quo unit, quod territorium ducale, [illegible]
ablata

ablata fuerit, non habebit locum poena § 50. Dec. cons. 233. n.° 7. in 2.° uar. car. 29. et cons. 201. n.° 7. p.te parte

De ordine Iudicii, ubi in Curia Ingrossi Rebellatori nominatur. Rub. LX.

Ad vers. Et in ea cognoscere cum dicto Rebellatori nominatur.

Hic vide omnino, quod libellus novus non requiratur contra Rebellatorem, sed in quomodo hoc instigatur in nominis ipsius dicitur vide omnino in cons. 602. n.° 8.

De poena leguntur cum Animalibus pasculare
Rub. LXIII

Q[illegible] ipsa statutum istius de damno dato diligenter lessentari debeant et qualitates ab eo requisitas concurrant, tradit Soci. cons. LV. ante quantissime Doctor, et famosissime [illegible] Dec. cons. 510. n.° 2. [illegible] vide in materia iuris pascendi.

De

De tempore instantiae causarum.

Rub. LXX.

An, et quando peremptionis instantiae possint partes renunciare; latissime Nata. in Com. Cons. in tit. d. [illegible] [illegible] nu. m. 93. et n. 94. ubi, quia si in tali Renunciationi interueniret Iuramentum an Iuramentum firmet.

Nota, quod ista Constitutio uidetur contra illud quod dicit [illegible] [illegible] cum [illegible] in l. de iur. iurand. cum damnum est Reip. quod instantia pereat, fine est, quod iudex [illegible] uidet instantiam perire, potest ex motu proprio citare, quod alias non possit nisi ad petitionem partis. Felin. in c. i. de [illegible] iud. n. m. 4. — [illegible]

Et quid si partes compromiserint, an durante Compromisso currat instantia, quod non Nata. in d. Com. Cons. in n. 98.

Et [illegible] [illegible] [illegible] [illegible] instantiae Reus per confessionem propriam potest condemnari; Hyp. [illegible] 46 n. 18.

[illegible] ut parcatur laboribus, et expensis partium quae [illegible].

Nota bene istud principium huius proemium Constitutionis nam [illegible] le [illegible] [illegible] utilitate priuata principaliter [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible]: C. de Iud. quod Reip. [illegible] -itas non esse immortales, sed esse finem, et etiam dicatur [illegible] in l. siquis ingenua. 18. in Ciuilibus ff. de capt. [illegible] quod plurimum

turbatur

turbatur Resp. ex vitiis subditorum. quae ex hoc dico esse unum quod de quo principaliter, ut innuit hoc proemium istarum constitutionum, quae sit facta in favorem innocentium, scilicet eorum qui tenentur in judicio. quod semper esse debet in esse, inventum est ratione publicae utilitatis, ut ei non possit renunciari. L. ius publicum. ff. de pact. L. 12. §. hod. quod veremur. C. de jurament. calumn. et s. diligenter. de foro compet. cum similibus. &c.

Sed quaero modo an reus possit prorogare instantiam istam in hac constitutione.

Et quidem videtur quod sic, nam cum hic terminus longius sit datus ad terminandam instantiam in favorem [illegible], faciunt verba, scilicet quod reus possit prorogare dictam instantiam saltem usque ad triennium, ut est de jure communi in civilibus, et biennium in criminalibus.

Sed tamen [illegible] Bal. in exemp. le rae. consta. c. xi. de causis. et Jo. Imol. in c. de causis. de off. deleg. et in c. 4. in fin. q. de damn. infec. dicunt immo partes non possunt prorogare, et ita puto, quia talis instantia statuti quamvis brevior sit, succedit loco instantiae juris communis, quod debet capere eius naturam, argumento L. si eum. §. qui injuriam. ff. si ex caus. c. ecclesia il. a. ut lite non contest. Hanc etiam sententiam habet Jo. Ant. in c. ad. ad hec. in fin. de appell. §. nec sic. unde ita igitur est illud infertur in simili, pariter dicit. et Ricar. malus.

Sed tamen in effectu ego sum in contraria opinione, et teneo, quod immo partes possint prorogare istam instantiam, movetur [illegible] quia Ratio quae movit dictos doctores ad dicendum, quod partes non possint prorogare instantiam attributam a Statuto est, quia illa instantia, ut dixi, licet sit brevior, succedit in locum instantiae juris communis, [illegible] instantiae juris communis

non pot surrogari, et id est, q. est inducta in favorem utilium [illegible] secundario d. l. procurator; sed favori publico nil pot renuntiari, nec surrogari. q. ita tradunt omnes [illegible] in d. l. procuratur.

Sed modo [illegible] non est dici, quod ista instantia [illegible] [illegible] ista constitutio in favorem publicum, nec et secundario, q. expresse, ut dictum e. in proemio [illegible]; quod solus propter favorem [illegible] fuit inducta: q. [illegible] ratio, q. et legis dispositio: Cogitem, [illegible] bene salvare [illegible] [illegible] [illegible] Bal. et alior. [illegible] [illegible] [illegible]

Et [illegible] quod [illegible] ista Constitutionis [illegible] instantia, et [illegible] [illegible] [illegible] [illegible] Constitutionem firmato, et Statuto [illegible] [illegible]. [illegible] Cur. in [illegible] Sequest. n°. m°. Si in fine

Et [illegible], quod si ante lite contestatam oritur difficultas super [illegible] executione, illo et [illegible] est [illegible], et si [illegible], non [illegible] [illegible] super exceptione [illegible]. ita Bal. et Paul. de Castro in l. [illegible] C. de Iur. Iuran. ob calum. dan.

Sed [illegible], quod [illegible] super legitimatione [illegible] ante litem contestatam [illegible] [illegible] anno, nec [illegible] instantia [illegible] [illegible] legitimationis, ita eleganter [illegible] Bal. in [illegible] edictum. [illegible] de Iudic.

Et [illegible] ista Constitutio [illegible] in executivis, ut in [illegible], [illegible] [illegible] [illegible] [illegible] executionem paratam; [illegible] [illegible] Cur. in [illegible] [illegible] nu°. 10.

[illegible] [illegible] [illegible] impediri, [illegible] non currit instantia

sed [illegible]

tempus: vide Ant. de Butr. cons. XLV. in fine.

De Commissione Causarum.

Rub. LXXI.

Nota, quod postquam causa est commissa consilio sapientis, non potest consultor novas probationes admittere: Et est ratio, quia committens consultori videtur permittere in causa, et sic renunciare probationibus. Immo post commissionem nedum ipse consultor, sed nec ordinarius potest novas probationes recipere. Immo talis consultor non potest agnoscere a errore si aliquem fecerit dicere de se errasse: Et commissio omnis est quaedam [illegible] in causa [illegible] de [illegible] ipsi vide [illegible] in [illegible] n. 50. cum [illegible] ff. de fen.

Quaero de media, et secundaria quaestione, sed positiones [illegible] quibus post [illegible] terminos ad respondendum [illegible] sub [illegible] non respondisset, et tamen non fuit pronunciatum quod haberentur pro [illegible], fuit postea commissa causa consilio sapientis, quaero an sapiens possit se [illegible] super illis positionibus: Vide vel distinctione [illegible] in hac. [illegible] nu. 6. in fi.

Ibi

Ibi, si itaque pars retineri suum commitit Consilio sapientis &

Not. quod bene dixit, si pars tenetur, quod stante statuto, quod causam committat consilio sapienti, intelligatur parte recepta: ita post. Ang. cons. 140 quidam Marsilius.

Ibi, se suspectos habere &

Nota quod Consultor iste potest recusari ex causa suspitionis, sicut iudex; Ang. cons. 186. in pn. 1 lat.

Ibi: infra terminum sibi limitandum.

Nota quod, stante statuto, quod infra mense debeat reddere consilium sub pena, si post quem terminum consilium reddit, valet tale consilio, et iudex illud sequatur. Nota Alex. cons. 24. per totum VI. vol. fol. 13.

Ibi: Et iuxta tenorem consilij suam sententiam proferre debeat &

Nota quod ex hoc colligitur, quod ista commissio facta iudici, qui habet consulere per hoc statutum, non dicitur facta ex iudicet quid, unico quo causa esset atque interminanda tali consilio, videtur quod potest consultor iudicare super qualibet causa ex facti narratione emergente, et tam super principali, etiam super emergentibus incidentibus; sed per hoc statutum dicitur facta Commissio Consultori, ut consulat qualiter iudex debeat ferre, et diffinire sententiam, prout videmus quod committitur in consilijs consultorum quotidie quo tamen non est ita large commissio, sed valde restrictiva, et ideo nota istam dispositionem, quod tibi serviet ad multa

quo

quas differentiam vide per eas in l. si fundus sub conditione § Stichum, n.º 12 et 13 ff. de leg. 1.º quod valde nota.

Quid modo si Sapiens condemnat Reum aliquibus rationibus, et tamen Iudex postea, relictis illis rationibus allatis per Consultorem, per alias diversas ex suo capite similiter condemnat Reum, an valeat sententia ex eo, quod non protulit sententiam secundum tenorem consilii; Paul. de Castro, post gloss. et Bal. in l. Coa ff. de acquir. possed. tenuit quod valeat, ad quod facit gloss. in l. nulli C. de iud. in gloss. magna, ibi, tu autem, quod nota.

Ibi, nulla interlocutoria:

Nota, quod et si hoc non dicatur, sufficit, interlocutoria non committitur: ut in terminis voluit Alex. cons. [illegible] viris ac [illegible] n.º 5 [illegible] similiter Bal. 2. sol. ubi allat. Bart. in l. unica C. ne liceat 3.º provoc.

LXX.

De Appellationibus et in quibus Causis appellare non liceat: Rub. LXXV.

Ibi: Item ab interlocutoriis [illegible] gravaminibus ante difinitivam sententiam [illegible]

Super isto Statuto vide omnino Guid. Pap. q. 75 in de gravamine quod per definitivam reparari non potest.

De

De appellationibus concedendis et earum presentatione fienda. Rub. LXXVII

Quid modo si iudex dederit ultra terminum datum a Statuto alium terminum, in meo 5. appellationis causa expediret, prout Statutum in Rub. LXXX in appellationibus extra iudiciam interpositis; quid operetur iste 2.us terminus? Dic quod operatur idem, quod illa const.o cuius terminum [illegible]. Et potes notare quod ista const.o non addit [illegible], cum omnia et hec de iure Comm. ultra tempora que [illegible].

Rom. sing. 162. [illegible]

De Propinis in aula Appellationis fiendis. Rub. LXXVIII

Id. ita tamen quod partibus vice excipiatur.

De iure communi aut etiam in aula [illegible] [illegible] [illegible], vel de iure consuetudinis [illegible] [illegible], ut refert Guido Pap. in decis. Parlam. Delfin. q. 14.

De

De Appellationibus extra Patriam interpositis.
Rub: LXXX.

Ad maam istius Constitutionis vide omnino Guid. Pap. q. 1. ubi quid si sententia fuerit executioni antequam fuerit praestita cautio an recognoscendi
quaerere [illegible] argentea
Item quid si sententia esset ipso iure nulla, et incontinenti esset causa dicere de nullitate, an impediet executionem.
Et ibidem an in defectum fideiussionis in hoc casu detur iuratoria cautio
Et ibidem an [illegible] necessariam Principis, possit impediri &c.

Vt quod dicit, scilicet, dominus audiens potuisset hoc facere, et dare terminum vel longiorem terminum et de necessitate communi quare [illegible] in alligatur: vide Ro. sing. 165. de ubi [illegible] Agost.
ibi: infra quatuor menses.

An quod pars potuit prorogare eorum 4 or terminum ad hoc Statutum dispositionem: vide omnino Pars. in clem. [illegible] de verbor. signif. in pr. n° m. 100. et tunc, qui dato quod loquatur in aliis terminis, tamen multum facit ad propositum huius Constitutionis, et magis in specie in ma Statuti vide eundem ibi n° 101. ubi [illegible] quod notat.

ibi: et non praestet cautionem fideiussionum.

Quid modo si quis non praestet fideiussionem, nec pars adversa petat, an sit concedenda executio: Dic quod sic, quia istud Statutum de praestanda fideiussione debet intelligi si petatur a parte

ita: [illegible]

ita in terminis vel. Alex. cons. 346. visis ijs, quae narrantur in themate. Ang. cons. 137. et in dec. Collateralis ad dubia mota et quae illa accumulavi in libro meo sub Rub. petitio partis ... requiritur =

Et si iudicium stat quominus appellans possit prosequi appellationem suam, non currit istud tempus ad minimum. Dec. cons. 677. n. 2. =

Et an sufficiat iuratoria cautio, si non possit invenire fideiussorem; vide Guid. Pap. q. 189. ubi late ...

De Protestationibus. Rub. LXXXII.

De ista protestatione dicas, quod in causis in quibus non est appellandum ... non enim de iure communi in causis, in quibus non est appellandum ut a sententia interlocutoria ... iuxta l. 1. C. de sententiis quae ... et tot. tit. C. de prec. ... et idem est in Curia Parlamenti Delphin. ... omnino Guid. Pap. q. 1.

Recursio in protestationem quid importet vide, plene declaratur ... in l. ... et alicuid ... in ... cons. ... in ... Aret. cons. 166 ... consulitur

ante

aut nimis.

Ista V.[a] submitto me protectioni talis Iudicis, impugnant appellationem, vide Bertachi. in repertorio suo in verb. Appi. qualiter §. 17. c. mod.

De Obligatis ad Carceres. Rub. LXXXIIII

Ibi quod si paratus sit praestare sufficientem, et bene idoneam fideiussionem.

Quid modo si talis debitor sit forensis; dic quod debet annuere in foro suo dato idonea fideiussione de stando in iud.° vide Dec. cons. 75. n.° 1.° et multa ad propositum ferri.

Ibi de Solvendo:

Nota, quod dum quis debitum non solvitur de Solvendo tum de re erat de iure omni, quod dum quis instituit fideiussionem de iudicio sisti non liberatur: ita Rom. sing. 141. quem ... omni ...

De Executione Instrumentorum Conuictionum

Rub. LXXXVI

Nota q

Ex dictis ergo instrum.ta Convictionis sunt multum favorabilia: vide Cur. glli ultima rna hem ponit in haec de iq. n. 48.

De istis instrum.tis Convictionis que reant executionem paratam: vide omnino Bal. in l. fin. C. de edic. d. Adria. toll. n.o m.i 6. in fine . A.o sextus casus &.

Et ibidem an enumerat quinque Casus, in quibus . i . q : in illo habetur exe: cutio parata. Videlicet

Primus: in Testamento non abolito, non cancellato &.

2.s in Instrum.to deposito.

3.us quando agatur, vel q fideicommissarius agit contra heredem, pro legato vel fideicomm.o.

4.s quando in instrum.to esset appositum Iuramentum.

5.us quando producenti tale Instrum.tum esset pena apposita, nam in tali pena habetur executio.

Et Nota quod de iure Comm.i Instrum.ta publica confecta manu publici Notarii non habent executione paratam; sed requiritur libellus et sententia: &c. ut optimus in . minor 25 annis, ...i ... comm.te ff. de minor. in 1.o ... ad ... nova ... indigeat; ... alli ... in Casibus supra notatis

Ad ... in suo termino ... opponere valeat exceptiones ... vid.t &

Nota: quod ibi Casu non poterit opponere exceptionem quod ... in instrum.to sit ... in ... conv. 4 . n.o 19 : ... quod ... quia ... pacie

aliud

aliud habet.

Et not. quod alie exceptiones, quam non numeratae non possent opponi tamen possent misericorditer imponi iudicis officio ut alter repetitam ne ... cum aliena iactura: ita tenuit Bar. in l. ... s. et tamen: ff: quod ui, aut clam: Bar. Bal. et Angel. in l. ... ff: de ... hered.

Et not. quod opponere ualebit et ... conditionis: vide ... Para ... XV ...

De Dispositione bonor immobilium uendendorum ... Rub. LXXXVIII

Et Nota quod statuta ... sunt seruanda ad unguem Bal. in ... in 2. ... not. ... statum C. de execu. rei iud: ...

De ... bonor. immobilium uendendorum ... Rub. LXXXVIIII

Et not. quod istud statutum de uendendis bonis sub ... forma ad unguem seruandum est, aliter irritum esset, et inane quicquid contra fieret

81

fieret. In uenditione aut, que fit p executionem sententie quatuor requiruntur de iure Comm. de quibus notat Bal. in uaca. Emptor. et uend. C. v. q pri. n°. ... 72, quod ualde notan.

Plus offerenti;

In ma istius nri Constitutionis consuluit Paul. de Castr. cons. 376. uiso actis et actitatis, ubi dicit, quod illud debet plus offerenti, illo, iuxta Iure Comm. dummodo inter id, quod offertur, et uerum pretium non esse excessus in magna quantitate: uide omnino &.

De Agnatis, et Vicinis iure Agnationis, et Vicinitatis uendicantibus bona aliorum Agnatorum, Vicinorum uendita, uel in solutum data.

Rub. LXXXXII.

Non est rarum inuitis, quod bona maiorum suorum conseruentur in familia Dec. cons. 471. n°. 10. et cons. 5... ... in uerbis ubi allegat q°. bona sua:

Et quod istud Statutum ualeat, idem Dec. cons. 68. n°. ...

Et quod in dubio in terminis istius Statuti sit pronunciandum pro reo Dec. qui con. Alex. allegat in cons. 471. in fi. ...

Nota, quod ista Constitutio approbatur etiam de iure canonico. ... in cap. constitutus ... cum glo. super uerbo Consuetudine;

ex

ex. de in integr. restit. et ex de Iure divino ex parte ... xxxii
. eme agri mei, ibi ... competat ex ... ut emas.

Quid modo si vendita fuit ... agnato sed ... habenti proximitatis agnatus ante ... an dicti proximiores possint uti beneficio istius constitutionis si ... non fuerit facta notificatio a dicto Agnato emptore. Petr. ... cons. 371.

Circa rem Immobilem.

Quid modo si vendantur fructus pendentes? Dic quod veniunt appellatione rei immobilis: L. fructus: ff. de rei vind.

Quid si vendantur pedagia? vide n.º 6.

Quid si vendantur usufructus, et concurrant ... et proprietarius. Dic quod ... vide n.º 8. in ... L. i. ... C. ...

Quid si vendantur annui redditus? Dic, quod comprehenduntur ... sunt hii durantes, sacris ... modico tempore, ibidem n.º 9.

Quid si alienetur feudum? dic quod prima pars istius Constitutionis habet locum, non 2.ª, ibi, n.º xi.

Et an ista Constitutio liget Hebreos, vide ... in ... loco n. 12: ubi disputatur. an ipse ... eius ... a ... Et ibi an ... quod ... conveniri sit conveniendus coram Iudice Ecclesiastico vel Seculari.

Quid si vendantur bona stabilia, i. ... illarum congregationum, quas nos vocamus, Le Schole, vide ibi n.º 13.

Quid

Quid mo si uenderet collumnas affixas domui meae: uide ibi n.o 14.

Quid mo si uendatur res communis dic quod non comprehenditur; Vide in pa. n.o 16.

Quid mo si aliquis non uendiderit, sed permutauerit; dic quod comprehendetur. uide ibi n.o 18. et 19.

Quid mo, si aliquis uendit rem, cuius non e dominus: uide ibi n.o 21.

Quid modo, si sunt data arra pro uenditione. Vide ibi n.o 22.

Quid mo, si uendita est res immobilis, quae e in patria forensis cum dat patano, ubi non e tale statutum, an habeat locum ista constitutio. uide ibi n.o 23. super verbo ... [illegible]

An modo istud ius petit cedi: dic quod sic. uide ibi n.o 30. et ats consilium dni ... scholaris.

An modo uenditor teneatur de euictione emptori, cui quis abstulerit uigore istius Constitutionis, uide in § et infra XXX. dies. n.o 31. ubi uidendo quod non; ad quod adde quod dicit Bal cons. n.o 116. 1.o ... quod ... alienatione, possit intrare monasterium, quia ipse non alienat &.

Quod si ... emptorem conseruare indemnem, quo casu teneretur: ita ... Abb. in sim. cons. 43. in pri. ... ... non ... ad hoc aduertat.

Si non ualet uenditio.

Quaero an ista uenditio non ualeat ita quod sit ipso iure nulla; adeo quod dominium non transeat in primum emptorem: Dic quod

non,

non ; transibit .n. dominium in ipsius primi emptorem :
vide ibi n.° 26 . quod nota, quia est valde utile ff ea, que
accumulaui in 2.° libro meo . car. 16 .

Ibi : attinentium suorum :

An hic bastardus habeat istud remedium : dic quod non . uide
ibi ; n.° 29 .

Quid m.° si quis non est bastardus , sed legitimus et natus ex bastardis
tamen parentibus natus : ibi . n.° 30 .

Ibi ff lineas Agnatorum :

Nota quod Soror est etiam Agnata . §. i. Instit. de legit. Agnat. succes.

Et an Statuto loquente de Agnatis ueniant fœminae Agnatae : Dec .
post cons.° 466 : n.° 10 . quem uideas omnino .

Et an isto Statuto loquente de Agnatis comprehendantur filij fratris ;
vide in Dictionario Alb. in .. non ; contra illud, quod supra dixit
Decius . §

Ibi : quandocumque

Ista dictio non excludit praescriptionem XXX . annorum : ad quod uide omnino
Felin . in c. cum accessissent . de constit . n.° 44 . in 7.° 20 . declaratur .
et n.° 45 , et si dicat quandocumque , et ad omnes successores
dicti emptoris, uel uenditoris . §

Ista

Ad vers. Non vendicent tamen predicta sibi locum &c.

Quid modo si ista denunciatio fiat in alio non loco, puta in Rivo altoi: Vide in §. et infra 30. dies. n°. 13.

An ista denunciatio facta die feriata valeat: vide ibidem n°. 4.

Quid modo si denuncians est procurator, dic, quod debet ostendere procuratorium, alias non valet: vide ibi n°. 6.

Quid modo si Agnatus, vel Vicinus sciat rem venisse, dic, quod requiritur ista denunciatio nihilominus: vide ibi n°. 9. et ...

Dec. cons°. 222. fere per totum.

Ad vers. Et teneatur, et debeat quilibet Agnatus, vel Vicinus &c.

Quid modo, si venditor in extremo morbo constitutus, quia moritur fame, vel est infirmus et non habet unde possit facere expensas, vel est apud ..., et non possit expectare terminum XXX. dierum ad recipiendum pretium a volente emere urgente ista necessitate, et sic proximus, quod nisi solvat Agnatus, vel Vicinus statim pretium quod vendet, aliter an nihilominus currat tempus XXX. dierum Vicino: Vide in §. et infra 30. dies n°. 21. &c.

Ibi praeferatur quilibet Agnatus venditoris quibuscumque Vicinis:

Quid

Quid modo si agnati renunciant istud Remedium emptori an praeiudicent Vicino, est pulchra quaestio, et eam late disputo ibi n°. 28.

Ibi: tunc ille preferatur, qui a pluribus partibus coheren: tias, et ampliores haberet;

Ibi modo ad hoc, ut preferatur isto casu requiritur quod sit dominus iste consanguineus talis rei, quae coheret a pluribus partibus, unde si unus ex agnatis haberet rem propriam circa sive iuxta rem, quae coheret a pluribus partibus rei vendendae, quam alius eiusdem gradus, qui tamen in re illa haberet verum dominium: vide ibi n°. 32. et est pulchra quaestio licet non plene ibi sit examinata

Ad vers: Si aut nullus masculus &c.

Nota tamen unum valde notabile quod si ista Constitutio exacte non disponeret foeminas admittendas, non fuissent admissae, dato quod statutum loquatur de Agnatis in plurali; et etiam ipsae essent Agnatae, et est ratio, quia istud Statutum emanavit praeter con: servationem agnationis, ita vult in auis terminis Decius cons. 495. in fine.

Sicut ibi: Et casu non extantibus: admittantur vicini tam masculi, quam foeminae cohereates ibi vicinia.

Quid modo quidam habet domum quam vult vendere, et nullus ex consanguineis vult emere. Et iuxta istam domum est domus vi: cini, an dominus istius domus habeat Remedium Constitutionis,

Vide

Vide in in. nº 15 –

Ibi: Servetur pregrogativa in colegedijs:

Quid mº diceres in isto casu, sunt duo vicini equaliter colegenses, sed unus habet rem emphiteoticam, et sua directum dominium a b altero vicinorum, qui convenit: iste aut alter habet verum dominium in re sua ultra illud, quod habet etiam super istam aliam: est pulcher casus: vide ibi nº 34.

Quid mº si eramus duo vicini equalibus portionibus et mihi fuit vendita illa res; an possim preiudicare alteri: Vide ibi: nº 38. ad quod facit supra. verbo, vicinus, ibi. sorte dirimatur.

Quero de alia multum dubitabili questione: Eramus ego et tu vicini cuiusdam domus: sc. ego a duobus istius colegentibus; istam domum, que erat mea, ego vendidi Titio: tu vigore istius Constitutionis avocas ab eo istam domum; an possim ego, qui ex illis iribus casibus colegeo, possim a te istam domum a me venditam quaerere vigore istius Constitutionis. vide ibi nº 41. et 42. Cogita.

Ibi: nisi etiam sibi, vel facienti vel, seu negotiorum Gestori suo legitime notificatio facta esset:

Quid mº si esset facta notificatio Amicis suis: vide in §. Et infra XXX. dies. nº 10 –

Ad textum: Ita quod possit quandocumque et ibi. ingratus, et vicinus –

Nota hic, quod ubicunque prohibetur vicinus, prohibetur et ingratus

et Agnatus datis terminis partibus; de quo dixi in § . Licet : n.° 20 .

Sti : per plures manus in sequentibus verbis .

Ex quibus melius colliges falsissimam esse opinionem d. Alexandri borsa dato quod hoc caput tunc temporis non fuerit allegatum, voluit n. semel D. Alexander sustinere, quod Agnatus, qui p.° deposuit pretium pro redimenda re vendita per Agnatum iuxta formam istius Constitutionis statim depositato pretio excludat et vendere, qui in Instrumento fecit sibi fieri pactum de retrovendendo, vel eius heredes, quod est ita absurdum, ut nec quidem mereatur in dubium deduci; et ita contra ipsum fuit iudicatum manu ser Francisci Borij die 18. Martij 1533 . in Causa illorum de Curbilis ut Agnatorum contra ser Andream Adeg notarium .

Sti : ad vendicandum admittatur :

Ponderia illud ad vendicandum; quia si diceret ad agendum non admittatur: si vere non iuraret, licet obtulisset iurare, tamen non admitteretur iuxta Not. doctorum Bal. in c. § xxxij . XX. dist. in fine .

Sti si venditor fuit aliquod bonum per dictum agnatum contra recuperatum virtute pacti de retrovendendo, si iterum alienet. et potest virtute huius statuti revendicari : Dec. cons. 88. n.° 3.° in fi:

Et quod

Et quod filius non acquirat re alienata à patre. gloss. in l. consti-
tutio : § .° Commendatione . & in integr. restit. ...

Quid modo si vicinus fecerit actionem, iniuria venditi : vide
in l. licet . n. § . dicimus : n.° 1 .

Nota quod libellus istius Constitutionis debet dirigi contra possessorem,
ut late dixi in l. et infra XXX . dies . n.° 29 . ubi etiam
formam libelli : Hoc dicitur querelo, vendita mihi
fuit res ab agnato, vel vicino tuo eadem die domo Titio istam
domum, an possit agere contra ipsum ; Dic quod non, nec contra
me &.

Quid modo si quis permutaret, an haberet locum ista Constitutio ;
Dic omnino quod non ; vide late disputatam istam quaestionem
in l. licet ... n. n.° 9 : ibi disputo pro et contra ;
et tamen est tex. clarus , et vide omnino ibi , quod ... de
de permutatione in ma istius Constitutionis .

Cl. ... vendidi tibi domum Titio, quo declarabit ... ,
... mortuus est ; an competat tibi remedium
istius Constitutionis : vide ... n.° 17 .

Ista Constitutio de Agnatis, et vicinis non habet locum
in Civitate ... nisi cum rei Communis vendita
fuisset . quia alius Consors habens aliam partem posset vigore

istius

A° die 23: Sept. Rij 1441, et in lib. part. parte 9 —

istius Conditionis redimere, ut constat in Libro parui: parte 9.
nas exerat statuus particulari eiusd. Civitatis confirmdau per Illm Dm. Dominus de Senatu a Augt. 1441 o. et registrati in Canc.lla ipsius Civitatis &c
Et an haveat Locum, quando usufructuarius emit proprietatem
Late Paul. de Castro : cons. 388.

De Debitoribus, contra quos bona aliqua sunt vendita, compellendis ad constituendum se manutentores. Rub: LXXXXV.

Nota bene, quod creditor in venditione pignorum non tenetur se constituere manutentores; sed si in instrum. se constituit, tenetur; Debitor autem et de Jure Communi datur, ut se manutentores constituat tenetur de evictione perinde ac si ipse vendidisset per publicum instrum. ita Paul. hec. quem omnino videas cons. 449. n° 157.

De Pignoribus venditis ad incantum Luendis infra X. vel. XX. dies. Rub. LXXXXIX.

Soi:

¶. Si: a die facte relationis computandorum: &c.

¶ Ex quo: quod per istam verba resolvitur difficultas, quam ponit Guid. pap. quest. 22. videlicet, an terminus redimendi pignora incipiat currere a die, quo venditum fuit pignus, vel a die liberationis ultimo loco facte.

Et an eodem termino sic statuto currat minoribus: vide in terminis Guid. pap. q. 131.

De creditoribus non valentibus emere, nec emi facere bona, nisi offerent venditionem ad incantum. Rub. Ci.

Ad verba: Adiicientes &c.

De quadam statuto vide Guid. pap. q. 98. verb. omnino &c.

De iis, qui contradictione impedire nituntur bona aliquorum vendi ad incantum. Rub. Cii.

¶ Item

Nota, quod hodie ista contrarium practicatur: in quacumque convictione, et tenet rates tit. Rub. 87. quod genus n.° 1°. convictus in ... in esse instrum.

Et nota, quod isto non contradicens signorantiam per executionem sententie diffinitive non potest opponi exceptio, quod debitum non subsit, quia sententia diffinitiva facit de non debito debitum: vide omnino Bell.: in capo. Consultationibus. n.° 7. et seqq. diligenter.

Et ad hunc propositum, quod quando conceditur executio, quod sufficiat facienda apparere instrumento vel sententia non obstat quod contra illam possint plures exceptiones opponi: vide omnino Dec. cons.° 439: n.° 4. quod multum tibi serviet:

De alienantibus rem duobus, vel pluribus. Rub. CVI

De materia istius Rub. vide Ang. de malef. §. falsario: n.° 26.

Ibi: Siquis alienaverit

De iure Communi siquis in rem alienat rem duobus, non facta mentione de prima, tenetur crimine falsi. L. qui duobus: ff. ad L. Cornel. de falsis.

(Item

Idem et si specialiter interrogatus an vendiderit, vel obligaverit alteri, dixerit, quod non; cum contrarium verum sit, tenebitur poena falsi; L. si a debitore ff: ad L. Cor. de fals.

Sed si alienat non facta mentione ~~[illegible]~~ de obligatione tantum, tunc tenetur crimine stellionatus L. iii. ff. de crim. stellio. et vide Bart. in L. si quis in pignore ff: de pignor. action.

Vel personaliter detineatur:

Quod autem statutum debet intelligi servatis servandis et quod carceretur secundum dispositionem iuris communis: vide Bal. cons. 75 sub isto signo X. in ij. colum.

De Praescriptionibus.
Rub. CVII.

Ad Proemium. <u>Ne rerum vel iurium dominia in incerto tramite profundantur.</u>

Circa istud proemium, quod idem est ut L. i. ff: de usucap. circa quod inferius dicetur, et ad hoc ut istud statutum aliquid operetur etiam non valenti agere currat praescriptio: istud motivum

[illegible]

gratis ... cons. 445 n. 48. Et tn ibi n. 49. concludit, quod hoc non obstante non currat praescriptio non valenti agere: ut omnino, q. ea multi sibi facient in hac ma Constitutionis, et ideo ibi dicit, quod ista exceptio, quod non valenti agere est naturalis, et ideo procedit etiam in Statutis:

Quid modo ponamus quidam, prout Veronensis, in cuius territorio ponamus non extat tale Statutum mutuauit m. censum reddenda sibi in hac Ciuitate, seu tacuit per XX. annos, an currat praescriptio huius Statuti: vide Bart. in terminis in rep. l. quibus n. 40. ff. de Legibus, ubi tenet, quod sic.

Et nota, quod in casu istius Constitutionis qui consuluit Bald. ... cons. 296. ... ista in 2a col. in pri.

Ad vero ita est, quod principali debitori instante actione, dici debeat ... an se vera sit verus debitor in toto, vel in aliqua parte.

Et hoc multum iuvat ad fundandam istam Constitutionem in equitate ... quae not. ... in l. ... acquir. ... in c. cu. ad fidem. de ... spol.

Ibi: seu Jus aliquod:

Quid modo si tertius obligasti rem alienam et qui possidet illius pacifice per XX. ann. an acquiratur ius ... hypothecae. Dic quod non. vide Nigri. in tract. de pignor. et hypoth. in

V.º melio · m.i · n.º 58 · in f.

De fideiussoribus a fideiussione liberari volentibus. Rub. CXVI.

Vide Bonon. in c. Iacobi Statutum sub v.º fideiussor. n.º 13. etiam vide q.a male intelligitur ista Constitutio et male practicatur. &

De Ultimis Bonorum possessoribus. Rub. CXVIII.

Nota unum valde notab. quod mihi contigit in facto, et q.a ignoravi hanc legem habui sententiam contra me. habes duos obligatos in solidum, tu facis executionem contra unum, an teneris statim devenire ad ultimos bonorum possessores nisi teneris et contra alium executere: Dic, quod teneris contra alium executere: ista

est lex

est tex valde notab. ubi Bart. in l. quotiens C. qui. cuis. conue.
Et hoc dici a Corretto. Sing. 17.

De Dote soluto matrimonio repetenda.
R.o: CXX.

Iti: Morainega, Dismontadura, et Connapaetorum, et aliorum.

Haec munera, uidelicet, Morgincapia et Dismontadure, graece Ancalypteria uocabantur, ex eo, quod statim, cum puella, ad nuptias, cum uelata pro more incedebat, se uiri in conspectu, et uelo praebebat, sponsus munera dabat simul cum osculo; Theoritra etiam alio Vocabulo dicta. Diaparthenia quoque dicuntur a uerbo graeco quod est deuirginare, quod Vocabulum nunc nostro Barbaro Dismontadurae multum conuenit; haec a Celio Lib. XI. c. LIX: ubi etiam alia Vocabula similia exponit: E

De

De Bonis, "Honis" portatis ad Domum Mariti, et quando testari possit. Rub. CXXVI.

Super verbis: Secundum Constitutiones:

(1)

Nulla tamen reperitur Constitutio hoc dicens, sed dic, quod potuit esse error, nec mirum, et ita simile Statutum Brixiae excipiat Cephalus cons. 68. n. 6. a. et n. 7. in [illegible]

Adverte tamen [illegible] Ferretti [illegible] Deciani [illegible] in const. 31. ubi ponunt [illegible] debeat [illegible] domi [illegible] [illegible] in [illegible] dic [illegible] conn. Const. [illegible] [illegible]

De Praeservatione Dotis petendae, vel repetendae, et illorum unius: Rub. CXXX.

Nota, quod fortasse hoc Statutum habebit locum in casu quo ille, cui competit ius petendi vel repetendi vivus sit, secus si mortuus, quia non transmitteret, sed itemmodo incoeperit a tempore XXV. anni quod ea, quae tradit Dec. cons. 596. in princ. et per discursum.

De

De Restitutione Dotis facienda filio premortuo [illegible] Rub. CXXXI.

De mẽ istius Statuti, et quando in hac mã dotis renunciatum esset generaliter: vide omnino Dec. cons. 414. per totum pᵒ dubio, ubi multa reperies ad mã [illegible] in [illegible] Maris:

* Et not: unum quod potest faciliter contingere et nunc habeo in [illegible], quod si pr̃, et filius [illegible] in [illegible] moriuntur, [illegible] ante moriun[illegible] l. qui duos. §. cum in bello. ff. de reb. dub. [illegible] Idem si mater et filius naufragio perierint [illegible] matrem premortuam. L. inter socerum: ff: de pac. dot. [illegible] si mulier ff. de reb. dub

Et not: unum valde mirabile, quod tñ non [illegible] [illegible] in [illegible] qui duos. §. [illegible] [illegible] qui simul cum patre [illegible] [illegible] Unde [illegible] ille qui [illegible] aliquid [illegible] [illegible] habet [illegible] quandam de [illegible] [illegible] qui [illegible] liberos ante [illegible] mortem [illegible] presumitur [illegible] tempore [illegible] mortis, [illegible] done: §. [illegible] ff: de excus. tutor. Vide tñ [illegible] [illegible] Bald. in [illegible] [illegible] ff. de reb. dub. [illegible] [illegible] [illegible] [illegible], mulier [illegible] [illegible] quod ille qui [illegible] debet probare [illegible] [illegible] [illegible] intentione istius agentis, [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] excelu. [illegible] art X. §. 4. in [illegible] memb. [illegible] [illegible] et deinde filius [illegible] [illegible] qui est, ut qui [illegible] nascitur [illegible] scripsit: ff. unde lib. et [illegible] ff. de inoff. testam. Robert. Maran. in suo speculo [illegible] in [illegible] n.º 15. [illegible]

Aduerte tñ ad dictam presumtionem de: cessum procedit de filio im: pubere, qui [illegible] presumitur prius mortuus, [illegible] puer im: [illegible] debilior et citius mori, gloss. in L. inter Socerum. in prin. ff. de pac. dot. et in d. L. qui duos. §. fin.

Secus autem si esset pubes filius; nam si in eodem conflictu, [illegible] mari, uel alia ruina, simul moriantur pater et filius [illegible] Mater et filius, presumitur [illegible] prius mortuus [illegible] uel [illegible] mater [illegible] prius moritur [illegible]

De filiabus, et alijs descendentib: feminini sexus in Testam.to: praesentis. Rub. CXXXII.

Quod ista const.o vocat. Laus. inst. 3. n. 7. Vol. 5.

[illegible]

De Successionibus ab intestato. Rub: CXLV.

De isto Statuto an sit iustum: vide Lace sy.l. 87.

Sup. Proemio. Ut paterna et ceterorum masculorum superiorum linie in masculorum posteritate fuerint.

[illegible] ... dato quod ista ratio non esset expressa in statuto ... expressa, nulla alia assignari potest ... in terminis ... Andrea in ad Sac. in [illegible] de succ. ab intest. ... in ultimis ... et pro [illegible] ... Jas. in L. de quibus: n.o 16: ff: de legib.

Sed tu vide in contrarium ... in cons. ... colle:

coll.° qui tenet quod ista non sit unica ratio, et illud probat pluribus mediis quae caderet in constitutione nostra: Vide omnino hoc quod obstet ... constitutionis nostrae: Nota bene, quia nunc vidi illud contrarium, et gaudeo invenisse, quia faciet aliquando honorem ...

Et quod tamen ista ratio conservandae agnationis non semper attendenda sit, plura vide Dec. cons.° 511. n.° 6. et ibi quod non valet argumentum ab ista ratione conservandae agnationis, quod nota:

Nota quoque, quod ista ratio conservandae agnationis dicitur militare etiam in feminis, et ... quae conservatur ... vivunt: Dec. cons.° 563. n. 8.

Et Nota bene, quod per istud statutum non fit exclusio de gradu ad gradum, optime per Dec. cons.° 451. in fi. dato quod sit favor conservandae agnationis, et idem et cons.° 451. in ... ubi optime et quod numquam quis excluditur nisi a gradu ... specificatio.

Ibi, ab intestato:

Ex isto verba habes, quod istud statutum habet locum etiam in pupillo decedente. Dec. cons.° 563. n.° 2.

Ibi: Et qui ulterior est in gradu prius admittatur ad successionem, exclusis ... salvo ...

Nota bene dum dicit, quod proximior in gradu ...

debet

liber succedere. Quid ergo si moriatur quidam relicto filio fratris, et nepote dicti filii, scilicet filio filii dicti fratris: an isti duo aequaliter succedant. Hoc totum est quaerere, an in casu huius constitutionis filius subrogetur in locum patris? Et breviter dicas, quod in casu praedicto non, etiam subrogantur filius duobus tantum casibus in locum patris, primo quando agitur de hereditate avi, iuxta dictum huius constitutionis ibi: Salvo quod si 2o. quando agitur de hereditate patrui carnalis: ut late et pulchre concludit Dec. in cons. [illegible] in [illegible]. quod semper teneas menti, quia saepe tibi occurret talis quaestio, et ideo sis memor illius consilii, ad quod semper recurras, quia plene loquitur: Et de isto 2o casu constitutio nostra magis specificat infra in vers: Si vero non reperiantur descendentes: &c.

Et vers: Vel ex patre tantum coniuncti.

Quid ergo si extaret frater uterinus, an comprehendatur dicto isto Statuto: Vide pul. cons. Soc. in cons. [illegible] in [illegible] dubio. Sed bene advertas, quia in casu nostro sumus in clarioribus terminis, ut bene consideranti apparebit: &c.

Et vers: Et potius per lineam masculos &c. foeminae sunt exclusae.

Quis cons. 25. n. 38. in [illegible] [illegible], qui habet constitutionem excludentem foeminas, filiae exclusae non faciant partem in legitima: quia dos sibi reservata [illegible] succedere

legitima

legitimã, ut videtur probari et in Cons.° 132. 133. et 134.

Super gl.is: Cum fuerint etatis nubilis debeat maritari, et si dotatæ non fuerint, deant dotari.

Nota bene hoc; nam ex hoc ex quo statutum vult, quod dotentur, filia dicitur vera heres patris dato quod alias in statuto iste excludente feminas non adijciente cum dotantur dixerit Bal. in l. 1.a §. sciendum ff. de suis: et legit. quod amitti nomen suitatis; ita singulariter dicit, et limitatur ostendit in cons.° CXXXI. transmittis ante gl. 2.a n.° 2 refert, et sequitur Ias. in l. arrogator: n.° 2 ff. de adop. quod bene nota quod servies ad multa: etc.

Gl. si: cum gradus negotiativa:

Nota bene ista verba, quæ hoc volunt significare, scilicet quod proximior in gradu prius admittatur, ut est tex. in auth. defuncto: ad Tertull. ibi; talia sui gradus negotiativa, ad quem tex. dixi in d. auth. et iure probari, quod ulterior non admittatur subrogatio ejus in locum patris quod emerit notam, et haec faciunt ad ea, quæ s. dixi in addi. super gl.is etc. et hoc idem tenuit Dec. in d.° Cons.° p.° in f.° 4.a coll. quod videas: vide et etiam Dec. cons.° 408. n.° 13 vide omnino.

Ad vers.m Et si contingeret etc.

Ni

In ma istiusmet vers. et si contingeret proprie in terminis istiusmet constitutionis uide Soci. cons. 50. 3. vol. et D. meum Cravett. cons. 85. olim p Candidus. 2. vol. —

Ibi: et in casibus quam constitutionum expresse omittis[...] steterur dispositioni iuris communis:

Et ad stante istam cautela, et casu omisso in isto statuto, posset sumi argumentum a contrario sensu. Dec. cons. 507. n. 5. et cons. 508. n. 1. ver. et hoc confirmatur. et n. 3. in fine: ...

De mittendis in possessione hereditatis difuncti. Rub. CXLVII.

Ibi: Tunc statim detur sibi nuncius ad ponendum eum in possessionem dictorum bonorum:

Nota vere ibi, tenet nuncius, quod necessarium est quod detur commissio nuncio ad mittendum in tenutam, alr non ualeret tenuta; et in dubio non presumitur, quod commissio interuenerit: ita Paul. Dec. cons. 449. n. 13. et seq. quod tamen fallit in causis summarijs, seu casu non initiatur ibi n. 14. ...

c. 81

C. ti.; admittantur tales supra scriptas, etiam ad petendum restitutionem dictorum bonorum, non obstante exceptione primi possessionis in possessorio per sententiam.

Quid, ponamus, comparente aliquo ex ijs, nullus in possessionem petit tenutam suam confirmari debere, alter negat; de jure communi et ultra statutum nostrum, tenuta non est confirmanda ad hoc ut quis excludatur a possessorio ... quo modo procedat, vide omnino ... cons. 449 n.º 15. cum pluribus seq. ubi ... concludit, quod tenuta etiam nulla potest ... ut confirmetur, quod si non data esset, deberet concedi, quod valde notandum quia ... trivialia.

De Rusticis ... impositis in Giudicium ... Rub. CLXV.

C. ti.: nec in futurum et contra gerunt.

Scribitur ... Paul. de Castro in ... in 4 ... in 5 ... de Legio. et ... Bur. ... de Statut. et Consti. in ... Consuetudo, n.º 94.

De Homicidis puniendis, aut extra Patriam banniendis: Rub. CLXXV:

C. si: Si aliquis ex proposito, vel animo tentato:

Contraria ista [illegible] nam per ea videtur tolli illa difficultas, ut ponit illud dictum singul. Bald. in [illegible] data opera coll. [illegible] in [illegible] Statutum [illegible] homicida [illegible] qui actus non [illegible] quod Statutum [illegible] loquens [illegible] homicidas puniendis, intelligitur de doloso [illegible] et [illegible] animo tentato; de quo dicto Bal. [illegible] plurimi concord. [illegible] Dec. cons. IX. n. 2. et [illegible] Hypol. cons. XCI. n. 1. [illegible] plur. seq.:

Et [illegible] quod ex quo Statutum istud loquitur de eo qui [illegible] homicidium, saltem [illegible] ad crimen eius Capitis, non habebit locum in bannito [illegible] [illegible]; [illegible] [illegible] cons. 442. in fi. [illegible]:

[illegible] Advocatus, vel Procurator non [illegible] [illegible] in Civitate contra constit. [illegible] [illegible]. Rub. CLXXXVI.

De illis

De iure civili non licet Advocato facere pactum cum Cliente de quota parte litis; et si faciat non valet; immo nec etiam de Re certa, super qua litigabatur: Vide Guid. Pap. q. 102.

3.2

BIBLIOTECA
CIVICA
DI

Adnotationes, et Dubia
super
Patriæ Foriiulij Constitutionibus.
— Cum —

Obseruantia styli, et Iudiciorum
super eisdem.

— Nec non —

Cum Legibus concordantibus, et discrepantibus.

— Atque etiam —

Cum DD. Auctoritatibus ad Rem
facientibus.

Philippi Caimi J.V.D. Vtinensis.

Inches
Centimetres
Farbkarte #13
B.I.G.
Blue Cyan Green Yellow Red Magenta White 3/Color Black